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PROCEEDINGS AND DEBATES OF THE 98th CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Monday, May 21, 1984*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

May the comfort of Your presence, O God, be with all who endure persecution or suffering, or who know not the freedoms that we treasure. We are conscious of those whose cry for liberty is not heard and who are separated from those they love. May Your blessing comfort all who know alienation and distress and may we remember to give thanks each day for the gifts of freedom that we cherish. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 304. Concurrent resolution expressing the sense of the Congress that Yelena Bonner should be allowed to emigrate from the Soviet Union for the purpose of seeking medical treatment, urging that the President protest the continued violation of human rights in the Soviet Union, including the rights of Andrei Sakharov and Yelena Bonner, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 422) entitled "An act to amend title 18 of the United States Code to provide a criminal penalty for robbery of a controlled substance."

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills and a concurrent resolution of the House of the following titles:

H.R. 653. An act to amend Public Law 96-162 to provide a credit to the State of Washington or the Yakima Indian Nation for certain construction costs associated with the Yakima River Basin water enhancement project;

H.R. 5287. An act to amend title III of the Higher Education Act of 1965 to permit additional funds to be used to continue awards under certain multiyear grants; and

H. Con. Res. 280. Concurrent resolution not to revise the congressional budget for the U.S. Government for the fiscal year 1984 and setting forth the congressional budget for the U.S. Government for the fiscal years 1985, 1986, and 1987.

The message also announced that the Senate insists upon its amendment to the concurrent resolution (H. Con. Res. 280) entitled "Concurrent resolution revising the congressional budget for the U.S. Government for the fiscal year 1984 and setting forth the congressional budget for the U.S. Government for the fiscal years 1985, 1986, and 1987," and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. DOMENICI, Mr. ARMSTRONG, Mrs. KASSEBAUM, Mr. BOSCHWITZ, Mr. TOWER, Mr. CHILES, Mr. JOHNSTON, Mr. HOLLINGS, and Mr. SASSER to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1201. An act to amend title 17 of the United States Code to protect semiconductor chips and masks against unauthorized duplication, and for other purposes;

S. 2418. An act to authorize and direct the Librarian of Congress, subject to the supervision and authority of a Federal, civilian, or military agency, to proceed with the construction of the Library of Congress Mass Book Deacidification Facility, and for other purposes; and

S. 2678. An act to extend the authorities under the Export Administration Act of 1979 until June 28, 1984.

APPOINTMENT OF MEMBERS TO REPRESENT THE HOUSE MAY 25 THROUGH MAY 28, 1984, WHEN REMAINS OF UNKNOWN SOLDIER OF VIETNAM CONFLICT WILL LIE IN STATE IN THE ROTUNDA

The SPEAKER. Pursuant to the provisions of House Concurrent Resolution 296, 98th Congress, the Chair appoints the following Members to represent the House of Representatives May 25 through May 28, 1984, when the remains of the unknown American soldier who lost his life during the Vietnam conflict will lie in state in the rotunda of the Capitol:

Mr. MURTHA of Pennsylvania, chairman;
Mr. MONTGOMERY of Mississippi;
Mr. ASPIN of Wisconsin;
Mr. EDGAR of Pennsylvania;
Mr. FLORIO of New Jersey;
Mr. HARKIN of Iowa;
Mr. SAM B. HALL, JR. of Texas;
Mr. APPLEGATE of Ohio;
Mr. PANETTA of California;
Mr. FROST of Texas;
Mr. RATCHFORD of Connecticut;
Mr. SHELBY of Alabama;
Mr. HARRISON of Pennsylvania;
Mr. MOLLOHAN of West Virginia;
Mr. PENNY of Minnesota;
Mr. HAMMERSCHMIDT of Arkansas;
Mr. FISH of New York;
Mr. YOUNG of Florida;
Mr. ROTH of Wisconsin;
Mr. BROWN of Colorado;
Mr. COATS of Indiana;
Mr. EVANS of Iowa;
Mr. DENNY SMITH of Oregon;
Mr. BILIRAKIS of Florida;
Mr. RIDGE of Pennsylvania; and
Mr. SUNDQUIST of Tennessee.

APPOINTMENT OF MEMBER FROM PRIVATE LIFE TO BOARD OF TRUSTEES OF AMERICAN FOLKLIFE CENTER IN LIBRARY OF CONGRESS

The SPEAKER. Pursuant to the provisions of section 4(b) of Public Law 94-201, the Chair appoints to the

Board of Trustees of the American Folklife Center in the Library of Congress for a term ending March 3, 1990, the following member from private life:

Mr. Bruce Jackson of Buffalo, N.Y.

PLAY IT AGAIN, SAM!

(Mr. STARK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STARK. Mr. Speaker, our colleagues who spend thousands of taxpayer dollars every night on their rabidly partisan special orders have advised me that they will quote me today.

The quote they will read will be my reaction to the President's violation of the Constitution, our treaties, and international law in his invasion of Grenada. I said:

> It is essential now that the President has shown his true colors, that the Congress take control of the situation . . . and bring this insane Reagan foreign policy back into line . . . the President has been itching to try something like this ever since he was elected.

I was referring there to the Grenadian invasion.

> He loves to throw American weight around, and where better than in a small island nation with no armed forces . . ."

Well, Mr. Speaker, the mining of Nicaraguan harbors proves I was right. His policy is insane. He has destroyed all relations with the Soviets. There is no arms control policy. We are on a multitrillion-dollar arms race on the road to Armageddon.

I am proud of my criticism of those policies of death. I only say, play it again, Sam.

IMPACT OF TOURISM

(Mr. REID asked and was given permission to address the House for 1 minute.)

Mr. REID. Mr. Speaker, National Tourism Week which begins May 27 is an appropriate time to review the impact and dilemma of tourism in terms of our Nation's economy.

Few people realize, for instance, that travel and tourism is our country's second largest retail or service industry, producing receipts that make up over 6.5 percent of our gross national product; or that this industry has created more than 10 percent of all new jobs since 1958, jobs that provide ample opportunities for all Americans, including minorities, youth, and women.

Yet, despite this positive economic contribution our Nation is losing. We have allowed our share of the world tourism market to drop from 13 percent in 1976 to 10.6 percent in 1982. Why? Because, for starters, we spend less money, per capita, to promote tourism from abroad than does any other developed country in the world.

As a member of the Travel and Tourism Caucus Steering Committee, I must stress the need for sufficient Federal support of travel and tourism—an industry that so vitally affects every aspect of our Nation's economy.

ENCOURAGE THE SOVIET UNION TO NEGOTIATE: PUT A MORATORIUM ON THE PERSHING II, JUST LIKE MX

(Mr. LOWRY of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOWRY of Washington. Mr. Speaker, today's Washington Post contains a story about the Soviet Union's decision to increase the number of nuclear weapons submarines stationed off our coasts. The Defense Minister, Mr. Ustinov, characterized the move as a response to the deployment of the new NATO intermediate range nuclear forces in Europe. He is quoted as saying that the Soviet action "would create a counterbalance equal to that which is posed to us and our allies by the American missiles in Europe."

I deplore this action. It adds to tension and mistrust, and represents one more step in the escalation of the arms race. It makes it all the more urgent for us to do whatever we can to encourage renewed arms talks.

This latest Soviet action reminds us again that the Pershing II, which will be only 8 minutes from targets in the European Soviet Union, is a much more immediate concern to the Soviets than the MX. The House has just voted to put conditions on the release of MX funds, in hopes that the Soviet Union will go back to the bargaining table. I believe it makes sense to take the same step with regard to the Pershing II.

I will therefore offer an amendment to H.R. 5167, the defense authorization bill, which would impose identical conditions on the release of Pershing II funds as those placed on the MX by the Price-Aspin-Pritchard amendment. It is more appropriate to put these conditions on the Pershing II than on the MX. Accordingly, I urge my colleagues to support my amendment.

DISTILLED SPIRITS TAX HIKE IS UNFAIR

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to extend and verify his remarks.)

Mr. MAZZOLI. Mr. Speaker, I rise today to express my opposition to a provision contained in both the House and Senate deficit reduction packages which is unfair to the working men and women in Kentucky and particularly my home district of Louisville and Jefferson County.

I am speaking of the proposed excise tax hike on distilled spirits.

Tell me, Mr. Speaker, what other industry is having its Federal taxes raised by 36 percent this year? Or even 20 percent?

I cannot think of one. Yet those are the tax increases in the House bill and the other body's bill respectively.

It is easy, I guess, to pick on distilled spirits and tobacco to bear more than their fair share of the Nation's tax burden. After all, it plays well back home to bash the "sin" industries.

Well, back home in Louisville and Jefferson County, Ky., which I am privileged to represent, the distilled spirits industry is a very key employer. And, contrary to popular belief, this employer is not recession proof. It is hurting today as a result of the recession and to heap heavier taxes on the industry will only deepen the unemployment and could cost Kentucky 500 jobs and the country 18,000.

Federal taxes today account for almost 25 percent of the cost to consumers of distilled spirits. State and local taxes count for almost 20 percent more.

Have we not already taken enough out of this industry? I think so and I urge that the conferees on the deficit reduction bills either drop the excise tax entirely or at least reduce it and moderate the impact on our people in Kentucky.

DISABILITY MORATORIUM ON CDR'S

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, on April 13, the Secretary of Health and Human Services, Margaret Heckler, announced a temporary suspension of the disability review process and the continuation of benefits to all disabled beneficiaries undergoing administrative appeal.

Today, over 5 weeks later, the Department still has not issued any guidelines permitting the Social Security Administration to implement this moratorium.

Because the Secretary has not approved any implementing guidelines, the terminated beneficiaries cannot have their benefits reinstated, nor can they appeal their case, nor are they even given the basic courtesy of an explanation.

I have sent a letter to Secretary Heckler and I have personally called on her and her assistants for an explanation of this situation. In response, I have been told only that the Department might act in the "next couple of weeks."

Subjecting some 40,000 disabled Americans to such bureaucratic arrogance and indifference is shameful. It ought to shock the conscience of every American.

Secretary Heckler should end this sorry state of affairs by immediately approving the regulations implementing her moratorium.

Furthermore, I publicly call on all Americans, and particularly the President and the Congress, to denounce this policy and to work together to enact the disability legislative reforms passed over a month ago in the House, by a vote of 410 to 1.

□ 1210

THE DEBT CEILING LEGISLATION

(Mr. SLATTERY asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SLATTERY. Mr. Speaker, sometime in the next few weeks this body will be asked to once again raise the debt ceiling limitation. As we decide how we are going to vote on this measure, I thought I would take a few minutes to draw my colleagues' attention to some historical information about the national debt.

Ten years ago the national debt was $475 billion, and since that time our national debt has more than tripled. In 1981 the debt went over $900 billion for the first time in our Nation's history. Since 1981 we have added another $600 billion to our national debt.

To finance all this deficit spending, in the last few years the Federal Government has had to borrow record sums of money. In the next 12 months the Government will have to borrow over $1 trillion. This is, of course, alarming news.

Once again I would like to call upon the President and the Members of Congress and the leadership in Congress especially to convene another budget summit for the purposes of developing a plan to reduce this horrible, irresponsible Federal deficit that this Nation is running.

Mr. Speaker, I think the future of our country is at stake, and nothing less.

MAJORITY BLAMED FOR INACTION ON CRIME LEGISLATION

(Mr. LUJAN asked and was given permission to address the House for 1 minute.)

Mr. LUJAN. Mr. Speaker, for quite some time there has been unrest in this House because many on both sides of the aisle feel that we spend our time in voting for such things as Frozen Food Day, awarding gold medals, extending leases in the El Portal administrative site at Yosemite National Park.

There is a strong feeling that bills such as the President's comprehensive crime control bill are bottled up by the leadership. It was a full 51 weeks before it was even referred to subcommittee.

I am afraid this Congress will be known as a do-nothing Congress if we do not clear the calendar for action at the very least on President Reagan's Comprehensive Crime Control Act. The majority must bear the blame for such inaction.

AN UPDATE ON HOUSE ACTION ON ANTICRIME LEGISLATION

(Mr. HUGHES asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. HUGHES. Mr. Speaker, I was not going to talk about the omnibus crime control package, but I just cannot believe what my colleague just said about the legislation being bottled up for 51 weeks.

As chairman of the Subcommittee on Crime, I have been moving pieces of that package now for the better part of a year and a half. As a matter of fact, I am about to head for the White House for a bill-signing ceremony for the child pornography bill, which is a piece of that package.

We have moved antitampering, we have moved the drug dependence contract services legislation, and the President has already signed that. We moved the pharmacy robbery legislation, which is not a part of the omnibus package. That has been sent over to the President for signature. We have moved out of subcommittee and full commmittee the measure on forfeiture and the drug enhancement provisions of the omnibus package. That has been moved out of full committee. In fact, it was just cleared by the Committee on Ways and Means last week. It was cleared 2 weeks before that by the Committee on Energy and Commerce. So that is ready to move on to the full committee.

I have two measures before the full committee on Wednesday of this week, including the Controlled Substances Act, as well as a major bill that is to go to the floor probably within the next 2 weeks dealing with extradition reform.

So, Mr. Speaker, for my colleague to suggest that the House of Representatives is not moving crime is far from the truth. The fact of the matter is that we are moving a lot of crime in this House. We moved a major omnibus crime package in the last Congress, as my colleague well knows, only to have the President veto it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WRIGHT). This is the day for motions to suspend the rules.

Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on tomorrow, Tuesday, May 22, 1984.

The Chair recognizes the gentleman from Iowa (Mr. BEDELL).

SMALL BUSINESS BREAKOUTS

Mr. BEDELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4209) to amend section 15 of the Small Business Act, as amended.

The Clerk read as follows:

H.R. 4209

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 15 of the Small Business Act (15 U.S.C. 644) is amended by—

(1) redesignating subsection (l) as subsection (m); and

(2) inserting after subsection (k) the following new subsection:

"(l)(1) The Administration shall assign to each major procurement center a breakout procurement center representative, who shall, with respect to such center, be responsible for implementing and executing the functions and duties described under paragraph (2). A representative appointed to a procurement center under the preceding sentence shall be in addition to the representative referred to in subsection (k)(6).

"(2) The breakout procurement center representative referred to in paragraph (1) shall—

"(A) review procurement method codes to ensure that small business capabilities are fully considered, and conduct independent studies and evaluations necessary to change the use of restrictive codings in order to encourage increased competition;

"(B) review procurement requirements proposed or projected to be purchased under consolidated solicitations which limit the opportunity for small business to compete as prime contractors and to recommend reducing the number of these requirements to be contained in each such solicitation in order to promote the maximum practicable opportunity for small business concerns to submit offers in response to such solicitations;

"(C) review and, when appropriate, conduct a value analysis of an engineering change proposal received from any source to determine whether proposal, if adopted, will result in lower costs to the Government without substantially impeding legitimate acquisition objectives;

"(D) review the systems that account for the access to and ownership of all manufacturing data within that procurement center to assure such systems provide the maximum availability to small business concerns; and

"(E) in consultation with the Administrator—

"(i) suggest to the head of the procurement center changes in procurement policies and procedures for such center; and

"(ii) recommend to the head of the appropriate purchasing activity changes to procurement method codes based on findings under subparagraph (A) and the desirability of value engineering change proposals as determined pursuant to subparagraph (C). The head of such activity shall, within thirty days after the receipt of such a recommendation, issue a written decision either accepting or declining the recommendation.

"(3)(A) The Director of Small and Disadvantaged Business Utilization of each agency having a major procurement center shall assign, and colocate, four small business technical advisers to each major procurement center.

"(B) Technical advisers assigned under this paragraph shall be—

"(i) full time employees of the procuring activity; and

"(ii) well qualified, technically trained, and familiar with the supplies, services, and spare parts purchased at the activity:

Provided, That at least one such adviser shall be an accredited engineer.

"(C) The sole duty of a technical adviser under this paragraph shall be to assist the breakout procurement center representative for the center to which such adviser is assigned in carrying out the functions and duties referred to in paragraph (2).

"(4) For purposes of this subsection a procurement center shall, with respect to any fiscal year, be considered to be a major procurement center if such center processed a contract volume of not less than $150,000,000 in spare parts in the preceding fiscal year, as determined under regulations prescribed by the Administrator.".

SEC. 2. Section 15(h) of the Small Business Act (15 U.S.C. 644(h)) is amended by—

(1) inserting "(1)" immediately after "(h)"; and

(2) adding the following new paragraph:

"(2) The Comptroller General shall annually prepare and submit to the Committees on Small Business of the House of Representatives and of the Senate a report setting forth—

"(A) the cost savings achieved during the year covered by such report through the efforts of breakout procurement center representatives;

"(B) an evaluation of the extent of increased competition resulting from such efforts; and

"(C) such other information as the Comptroller may deem appropriate.".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Iowa (Mr. BEDELL) will be recognized for 20 minutes and the gentleman from Colorado (Mr. SCHAEFER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. BEDELL).

Mr. BEDELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4209. This bill was reported by the Small Business Committee last November by a vote of 37 to 1 after an investigation and hearings on the military spare parts procurement system by the Small Business Committee's Oversight Subcommittee, which I chair. The Oversight Subcommittee reported this measure unanimously.

This bill will provide a Small Business Administration breakout procurement center representative at each major Federal procurement center to monitor and recommend procurement practices that are needed to effect cost savings through increased competition.

The Congressional Budget Office estimates that this bill will result in sizable annual savings to the Federal Government.

This bill is intended to be one step in bringing increased competition in the purchase of spare parts by the military.

The legislation would do the following:

First, it would assign a breakout procurement center representative to each major defense procurement center. This breakout procurement center representative would have a staff of four people, at least one of whom must be an accredited engineer. The breakout procurement center representative would report directly to the SBA Administrator. The breakout procurement center representative is to make recommendations on contracts that should be competitively bid in order to reduce costs; make recommendations on acceptance of value engineering proposals; make recommendations on storage and dissemination of technical data; and recommend, where appropriate, the breaking down of large contracts into smaller units to lower costs and increase competition.

Second, the legislation provides that anyone can make value engineering suggestions. These are suggestions to lower cost, or improve quality of a part. At this time, proposals are only accepted from those who hold contracts. There is little incentive for one who already has a contract to recommend changes.

Third, the bill requires GAO to do an annual study and report to Congress on the savings achieved during the year and the increased competition resulting from the activity.

I want to compliment all of the members of the Small Business Committee, especially the members of the Oversight Subcommittee for their fine and hard work on this bill. I particularly wish to point out the effort of our colleague, the gentlewoman from California (Mrs. BOXER), who introduced this bill in the House last October. I am pleased to have been able to work with her on this legislation and look forward to working with her on other matters in the future. The bill we have before us is a product of her hard work and for this we owe her a debt of gratitude.

This bill certainly deserves the support of each and every Member of the House and I urge a favorable vote.

Mr. Speaker, to implement the Small Business Act, as amended, the Small Business Administration assigns procurement center representatives to 52 Federal acquisition centers. Their major function is to maximize potential opportunities for small businesses to obtain Government procurement contracts. In late 1979, SBA initiated a pilot program to complement this effort by adding a "breakout procurement center representative" (BO-PCR) to four air logistic centers (ALC)—Oklahoma City, San Antonio, Warner Robins, and Ogden. These breakout PCR's were to review sole-source parts purchases from the original equipment manufacturers by the ALC's and recommend, when appropriate, competitive procurements or direct purchase from the actual manufacturers of these items.

It has been clearly demonstrated that the BO-PCR's perform an extremely valuable, and tremendously cost-effective function. One BO-PCR estimated that he saved the Government 400 times his salary through his activities. A General Accounting Office official, testifying before the House Government Operations Committee on April 19, 1983, said:

> Several recent reviews and audits performed by GAO, the Naval Audit Service, and the Defense Inspector General, have shown that if the services are successful in breaking out high dollar value spare parts, savings can be substantial.

BO-PCR's earn these savings by evaluating purchases made on a sole-source basis and suggesting that, in appropriate cases, they be purchased competitively. For example, a rubber door gasket that had been purchased on a sole basis cost the Government $94.02 apiece. Competitively bid, the same gasket cost $5.69. Total savings on this procurement was $21,000. An I-bolt suggested for breakout by a BO-PCR was competitively purchased for $13.49 after it had been sole source purchased for $328. On an order for 44 I-bolts, the Government saved $13,000.

Another part, bent sheet metal with three holes drilled into it, was sole source purchased from the original equipment manufacturer at $153 apiece. After a BO-PCR suggested competition on the part, 15 bids were received and a low bid of $5.87 was selected. The total savings on the buy was $27,000.

In all, a BO-PCR who testified before the Small Business Committee showed us a number of parts purchased competitively by Tinker Air Force Base in Oklahoma City for $96. Prior to being purchased competitively, the same parts cost the Government $2,300 when they were bought on a sole source basis from the original

equipment manufacturers. Collectively, considering the various quantities in which the parts were purchased, the Government saved $183,000 on the competitive purchase of these parts. In the second quarter of 1983, the BO-PCR at Tinker Air Force Base estimated that his office was responsible for saving the Government $3,905,000 by breaking out competitive purchases from previously sole source items.

The special functions assigned to the BO-PCR's in H.R. 4209 are designed to assure that the BO-PCR's will have the necessary legislative mandate to do their job effectively. The bill would give the BO-PCR's the authority to review procurement methods to assure that the Procurement Method Codes (PMC) do not restrict competition unfairly and, thereby, eliminate small business concerns from the procurement of spare parts. When appropriate, the BO-PCR's are to do the necessary evaluations and studies needed to change competition-restricting codes.

BO-PCR's shall also review procurement requirements that are proposed or projected to be issued under consolidated solicitations. Should the BO-PCR determine that these solicitations limit the opportunity for small business concerns to compete for the solicitation as prime contractors, the BO-PCR can recommend reducing the number of requirements in the solicitations to promote the opportunity for small business firms to submit offers.

The bill would also require that the BO-PCR's review and conduct, when appropriate, analyses of value engineering change proposals. A value engineering change proposal is an offer to supply a part or equipment that is modified from the original procurement specification. The BO-PCR will review the proposals to determine whether, if it is adopted, it will result in lower costs to the Government without impeding legitimate acquisition objectives. In addition, the bill would permit value engineering change proposals to be submitted by any potential contractor; it does not limit the right to submit such proposals to any source.

This proposed legislation would also give the BO-PCR's the authority to review the storage of and access to technical data at procurement centers. The BO-PCR's are to evaluate whether technical data is available and in usable condition to facilitate the needs of small business concerns wishing to submit offers on procurement solicitations.

The BO-PCR's, in consultation with the SBA Administrator, would be required to suggest changes in procurement center policies and procedures directly to the head of that procurement center, and to make suggestions on storage of and access to technical data. The BO-PCR's, also in consultation with the SBA Administrator, shall recommend to the head of the appropriate purchasing activity changes in procurement method codes necessary to increase competition in spare parts procurements and the desirability of adopting value engineering change proposals reviewed by the BO-PCR's.

It is important to note that the bill does not require that the BO-PCR make recommendations only to the head of the procurement center where the BO-PCR is located. The BO-PCR may, whenever necessary, make recommendations to the head of the appropriate purchasing activity with authority to act on the BO-PCR's recommendations.

The legislation requires that the head of the purchasing activity who receives a recommendation from a BO-PCR shall, within 30 days after receipt of the recommendation, issue a written decision either accepting or declining the recommendation.

H.R. 4209 would require that the Director of Small and Disadvantaged Business Utilization of each agency that has a major procurement center, assign and colocate four technical advisers to assist the BO-PCR's perform the functions required of their office. These technical advisers are to be full-time employees of the procuring activity and are to be well qualified, technically trained and familiar with the supplies, services, and spare parts purchased by the procurement center. At least one of the four parts purchased by the procurement center. At least one of the four technical advisers assigned to assist each BO-PCR must be an accredited engineer.

H.R. 4209 would require that the Comptroller General annually prepare and submit a report to the Committees on Small Business of both the House and the Senate covering the cost savings achieved during the year as a result of the efforts of the BO-PCR's, an evaluation of the increased competition resulting from the efforts of the BO-PCR's and any other information the Comptroller deems appropriate.

This is a pair of pliers, Mr. Speaker, that I purchased locally at retail for $3.77. Our hearings indicated that the Government had paid $430 for a set of pliers just like this, and we found that this was not an unusual circumstance, that the fact of the matter is that they buy tools such as this frequently and pay similar exorbitant prices.

I purchased a tool kit at retail for ninety-two dollars and some cents, and in checking I found that the Government had paid over $10,000 for the tools that I bought at retail for ninety-two dollars and some cents.

Mr. Speaker, this bill is one step in a movement forward to try to do something about that waste of taxpayers' money. I again appreciate the work that our committee has done. I particularly appreciate the leadership that the gentlewoman from California (Mrs. BOXER) has put forth in this effort, and I urge the support of all my colleagues for this legislation.

Mr. SCHAEFER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill, H.R. 4209. I would like to commend the gentleman from Iowa for his fine work as chairman of the Oversight Subcommittee of the Small Business Committee. As Members of Congress, we are all too familiar with the horror stories of the Government paying extravagant prices for spare parts. Press accounts of the $1,000 plastic stool cap and the $500 claw-hammer have understandably outraged our constituents and many of our fellow Members.

Today, the Small Business Committee is offering the first legislation to deal with this scandalous situation. Last October, when we held hearings on the involvement of small business in the Federal procurement process, we received testimony from an individual from Tinker Air Force Base in Oklahoma whose job was called a breakout procurement center representative. It was this person's job to review the method by which the Government purchased spare parts. The results of his work were nothing short of sensational. In the second quarter of 1983 this individual saved the taxpayers nearly $4 million. He accomplished this by breaking out spare parts for competitive purchases from items that were previously sole-source—that is, bought from only one supplier. This savings certainly justified his $40,000 a year salary.

The committee learned from our hearings and other Government studies of the break-out PCR program that these positions could be much more effective with more staff. I am not usually one to advocate for more Government employees, but I think the results of this program at four Air Force procurement centers shows we need more of these people. The bill we are considering today would place a breakout PCR at each military purchasing center that buys more than $150 million in spare parts each year. These individuals would have the following responsibilities. First, they would review procurement methods and recommend changes to increase competition in the procurement of spare parts. Second, they would review consolidated purchases to insure the maximum opportunity for small business participation. Finally, they would have authority to review the storage of and access to technical data.

The committee is well aware of the importance of this program. Therefore, we included in the bill a requirement that the Comptroller General

submit annual reports to the committee covering the cost savings resulting from the use of break-out PCR's, evaluation of the increased competition resulting from break-out PCR's, and any other information the Comptroller feels appropriate.

Mr. Speaker, I urge my colleagues to support H.R. 4209 as an important first step toward increasing competition in our spare parts procurement.

□ 1220

Mr. BEDELL. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. MITCHELL), the chairman of our committee.

Mr. MITCHELL. Mr. Speaker, if this Congress does not pass another single bill, it will have done more than its duty in passing this bill today in meeting its responsibility to the American public.

Mr. Speaker, I rise in strong support of H.R. 4209. This measure, introduced by Mrs. BOXER and Mr. BEDELL, would establish breakout procurement center representatives (PCR's) at major Federal buying activities which purchase spare parts.

I must take this opportunity to publicly commend Representative BOXER for this fine piece of legislation which will, I am confident, save the taxpayer literally millions of dollars a year. This bill is a commonsense approach modeled after a very successful pilot program being conducted by the Small Business Administration.

Under the bill, each installation which purchases in excess of $150 million of spare parts a year would have a breakout PCR. This person would review items that are normally "sole-sourced" for the purpose of "breaking" them out for competition. This person would conduct value analyses of suggested engineering changes to ascertain modifications to parts that may then be purchased at less expense under a Procurement Method Code that permits competition.

At present there are only four Air Force installations that have a breakout PCR. The PCR at Tinker Air Force Base testified before our committee that his office alone saved the Air Force over $3.9 million during the second quarter of 1983. This 3-month saving is enough to pay for this employee's salary and, probably, for 100 more just like him.

We have all heard of the spare parts scandal—of the military paying over $1,100 for a plastic stool cap and $500 for a hammer. H.R. 4209 is the first bill to come to the floor of the House dealing specifically with this issue. It is part of the solution to the spare parts scandal and I would urge my colleagues to support it.

There is no need to dwell on the holocaust of this spare parts scandal in the military.

What was the price of the hammer that the gentleman from Iowa quoted?

Mr. BEDELL. $400.

Mr. MITCHELL. Now, $400 for a hammer, I told somebody that I could make a hammer in my backyard. I can take a rock and chisel it and put a stick on it and some leather thongs, and I will make a hammer for nothing, but they are paying $400 for a hammer. It is scandalous and it is outrageous that this situation has gone on so long without being addressed.

Well, it is addressed today. This bill, H.R. 4209, is the very first bill to come to this floor of the House dealing specifically with that issue. It is a part of the solution to the spare parts scandal. I would urge my colleagues to support it.

I would be shocked if any Member of this House did not recognize the wisdom of this bill, the effectiveness of it. I would be shocked if any Member of the House voted against it.

I thank the gentleman for yielding me some time.

Mr. BEDELL. Mr. Speaker, I yield such time as she may consume to the author of this legislation, the gentlewoman from California (Mrs. BOXER).

Mrs. BOXER. Mr. Speaker, I first would like to thank the chairman of the Small Business Committee, my friend, the gentleman from Maryland (Mr. MITCHELL), and the chairman of the Subcommittee on General Oversight and the Economy, my friend, the gentleman from Iowa (Mr. BEDELL). They gave me great assistance both in the drafting of this bill and the progression to the House floor.

I also wish to thank the gentleman from Massachusetts (Mr. CONTE) and the Democratic New Members Caucus for all their encouragement and active support.

Mr. Chairman, whoever coined the phrase, "I'm mad as hell and I'm not going to take it any more" must have been reacting to the inconceivable spare parts scandal—12-cent wrenches for which taxpayers were charged over $9,000, $25 brackets that cost $850, and we could go on.

Just yesterday in a story which appeared in my home press in California, the gentleman from Iowa was questioning the Navy about a $7 hammer for which the Navy paid $436, or I should say the taxpayers paid $436.

The explanation by the contractor is so unbelievable, it is a miracle that they had the nerve to even offer it. It runs something like this: $7 for the basic hammer; $41 to pay general overhead of the engineering department of the contractor; $93 for the 18 minutes it took for assembly, managers, and engineers to oversee the process; $102 for unspecified manufacturing overhead; $37 to the spare part repairs department; $2 for material handling overhead; and $1 for wrapping paper and box.

That gives you a subtotal, Mr. Speaker, for this $7 hammer of $283. But this is not even enough. This figure is now multiplied by a factor of 31.8 percent for general administrative costs and a $56 finders fee. We also pay $7 for capital cost of money. That is the cost of the money the contractor needed to front the project.

Voila, a $7 hammer costs taxpayers $436.

Well, those days are going, going, and gone, and there is a simple first step. Since defense contractors are permitted to charge off general costs against all contracted items, large and small, it makes great sense to contract out these items to contractors who have smaller overhead costs. This is the essence of H.R. 4209.

H.R. 4209 would open the entire spare parts procurement system to good old American competition. This bill would use the method of the free market to drive the price of spare parts down. Secretary of the Air Force Orr recently stated that because the Air Force had introduced competition and awarded their new engine contracts to two companies, rather than just one, the Government should save $3 billion over the life of these engines—$3 billion, that is about what we pay to support the entire Environmental Protection Agency.

The Small Business Administration, General Accounting Office, and the Committee on Government Operations have done studies to show an average savings of 40 percent when a part is broken out into open competition. The individual instances show that savings could be as high as 75 percent.

H.R. 4209 is a program with a proven track record. It is no experiment. This bill is simply expanding a program that has already returned great dividends to the taxpayers.

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The elements of our bill are currently operating at a number of Air Force procurement centers. My colleagues have pointed out at Tinker Air Force Base alone, as we heard, one person and one technical adviser saved $5 million in 3 months. This program saved approximately $35 million for the Air Force in fiscal year 1983 and it was operating on a limited scale.

The current budget for all our military spare parts is approximately $15 billion. At an average savings of over 40 percent, that means if this bill is passed, and the spirit of this bill is carried out, we could see savings not only in the millions but in the billions of dollars.

We also gain other immediate and long-term benefits. Since much of this new manufacturing would be accomplished by small businesses, we will see a rise in more enterprises.

All small business organizations and the chamber of commerce support this bill because of its obvious benefits for new and existing businesses.

With the rise of new small and medium businesses we enlarge the industrial base of this country and provide more jobs through the small business sector.

This bill can also generate new tax revenues and this is an interesting point, since small business generally pays a larger share of taxes than huge companies due to our tax writeoff system.

Small businesses have proven time and time again that they can produce and deliver products in far less time than big companies. Thus we can reduce leadtime on purchases and have a more efficient system.

Small businesses must produce better quality for less or face being shut out of competition. Our current sole source system has produced numerous instances of poor quality and poor workmanship. Sole source contractors do not have to worry about cost and quality because they are the only game in town and they know it. And we know it because we see the prices that we are paying.

H.R. 4209 would expand the small business breakout program to every major procurement center in this Nation. We would place a small business breakout specialist in each of these centers and give them an increase in technical assistance so that they will be able to review, challenge, and break out into competition as many spare parts as possible.

H.R. 4209 is a simple, direct, and effective solution to a problem that has lasted too long. We have an obligation, a very serious obligation, to guarantee that the American taxpayers' dollar is spent responsibly and not wasted. We have an obligation to enable the Government to maintain adequate readiness and maintenance support.

Competition is the solution to this problem and this bill takes a proven and effective program and expands it in order to save the American taxpayers many tax dollars, and it increases small business capability at the same time.

This bill, as you can tell today, enjoys wide bipartisan support. I compliment the members of the committee again, its great chairman, the gentleman from Maryland (Mr. MITCHELL), and its great subcommittee chairman, the gentleman from Iowa (Mr. BEDELL).

I encourage you to vote for this proposal to reform spare parts procurement and put an end to outrageous prices by inserting competition back into the process.

I just want to conclude by reading the organizations who support our bill: the National Small Business Government Contractors Association, the U.S. Chamber of Commerce, the National Tooling and Machinery Association, Coalition for a New Foreign and Military Policy, Association of Southwest Government Contractors, and the National Federation of Independent Businesses.

Again, I thank my colleagues for their support and encouragement and I yield back to the gentleman from Iowa (Mr. BEDELL).

Mr. BEDELL. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Colorado (Mrs. SCHROEDER).

Mrs. SCHROEDER. I just want to thank the gentlewoman from California and the whole committee for working so hard on passing this. This is something long needed, long overdue, and I am sure the taxpayers thank you more than I could.

So I really am pleased to see this move this fast and I hope it continues on down the track.

Mr. BROOKS. Mr. Speaker, I rise in support of H.R. 4209, a bill to amend section 15 of the Small Business Act. As a long-standing advocate of procurement reform, having held extensive hearings on this very subject in April of last year, I believe that the single most effective way to obtain the best products at the lowest cost is to increase the use of competition in Federal procurements. This is particularly true in the area of spare parts, in which DOD has consistently paid exhorbitant prices because of years of sole sourcing to a few large incumbent vendors. The sponsors of this legislation rightfully point out that this cycle of ever-increasing, escalating prices of even the most common spare parts can be broken by opening up these contracts to all qualified small businesses.

The approach taken by this legislation is both practical and to the point. It requires the Small Business Administrator to assign an official at each major agency procurement center to identify competitive opportunities for small businesses. By working directly with the procurement officials at each of these sites, the SBA representative will be in a position to immediately identify these opportunities. It will also make it more difficult for agency officials to ignore the advice of the SBA representative. Over the long run, this should significantly increase competition for the procurement of spare parts in this important area.

I urge all Members to support this bill.

Mr. SCHAEFER. Mr. Speaker, just in summation, I might say that the efforts of the Defense Department to cure the spare parts problems have been unsuccessful for 20 years, and we are faced now with some $200 billion in deficits. I think that the Congressional Budget Office estimated we are going to save about $30 billion a year on this at least.

I would just say that I certainly support this again and I wish my colleagues to continue to do the same.

I yield back the balance of my time.

Mr. BEDELL. Mr. Speaker, I wish again to commend the gentlewoman from California (Mrs. BOXER) for her fine work on this legislation.

I would like to point out to the House that this is an important first step in starting to move forward to correct what I think are some very, very serious discrepancies in the manner that the Federal Government is purchasing its spare parts.

There will be additional opportunities for this House to take further steps. I urge my colleagues to do so.

I certainly urge them to support this very, very important first step and commend again the gentlewoman from California (Mrs. BOXER) and our committee chairman and all those who have worked on this for taking this great first step.

I have no further requests for time, and I yield back the balance of my time.

● Mr. ADDABBO. Mr. Speaker, I rise in support of H.R. 4209, a bill which is intended to increase competition in the area of spare parts.

The acquisition of spare parts is a multibillion dollar business. As such, it is highly conducive to the use of competitive bidding procedures. Instead, we find this area to be the target of the most blatant instances of fraud, waste, and abuse. This is due primarily to the use of noncompetitive sole source contracts for these items.

As chairman of the Subcommittee on Defense Appropriations for over 5 years, I have heard too many times about DOD's efforts to achieve increased competition for spare parts. Yet, I also see that out of approximately $13 billion spent per year for spare parts, less than $3 billion of these spare part orders are made on a competitive basis.

H.R. 4209 recognizes the need to carefully scrutinize the methods that the Government uses to purchase spare parts. The bill would assign a BO-PCR and four technical assistants to all the major buying activities with a contract volume in excess of $150 million in spare parts. They would have the authority to review and suggest changes in existing procurement methods and codes on spare parts and supplies. Further, a provision in the bill would insure that any such recommendation made by the BO-PCR is acted upon in writing by the head of the buying activity within 30 days after its submission.

SBA has conducted on a pilot basis, a breakout program similar to the one contained in H.R. 4209. This effort has

resulted in the achievement of considerable cost savings to the Government.

The time has come for the Congress to demonstrate its commitment to save the taxpayers money by making the breakout program statutory. I therefore urge all my colleagues to support H.R. 4209.●

● Mr. DURBIN. Mr. Speaker, I would like to express my strong support for H.R. 4209 because I believe it represents a strong step toward controlling the well-published abuses in DOD's procurement of spare parts.

This bill takes a simple, yet effective, approach to introducing greater competition into spare parts procurement. It expands a procedure already instituted on one particular Air Force base. This program placed one Small Business Administration representative and one technical assistant at Tinker Air Force Base to oversee the procurement of spare parts with the goal of increasing competition in spare parts acquisition.

H.R. 4209 would simply extend that program so that a small business "breakout" representative would be assigned to every major procurement center in the United States. That representative's job would be to increase the competitive acquisition of spare parts—a process that on one Air Force base saves an estimated $5 million per quarter.

Establishing that program on a nationwide basis will result in far greater savings and will do so in a way that will not create any vast new bureaucracy. The estimated savings from this expansion of the program run from $4 to $7 billion per year—a savings that will go directly to reducing the size of the deficit.

We are all aware that it is essential now more than ever to insure that we are spending our defense tax dollars wisely. Under our current defense buildup, with large sums of money funneling into the Department of Defense, we must make sure that we take steps to eliminate waste. I believe that this bill will allow us to make such progress toward minimizing spare parts abuse. There are other steps that can also be taken, but this bill moves us a long way in the right direction and I urge my colleagues to support it.●

The SPEAKER pro tempore (Mr. SLATTERY). The question is on the motion offered by the gentleman from Iowa (Mr. BEDELL) that the House suspend the rules and pass the bill, H.R. 4209, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BEDELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

PROVIDING ADDITIONAL SENIOR EXECUTIVE POSITIONS FOR THE GENERAL ACCOUNTING OFFICE

Mrs. SCHROEDER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5517) to amend title 31, United States Code, to provide for certain additional experts and consultants for the General Accounting Office, to provide for certain additional positions within the General Accounting Office Senior Executive Service, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5517

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 731(e) of title 31, United States Code, is amended—

(1) by striking out "title 5," and inserting in lieu thereof "title 5 at rates not in excess of the maximum daily rate for GS-18 under section 5332 of such title,"; and

(2) in paragraph (1), by striking out "10" and inserting in lieu thereof "15".

(b) Section 732(c)(4) of title 31, United States Code, is amended by striking out "100" and inserting in lieu thereof "119".

(c) Section 733(c) of title 31, United States Code, is amended by inserting "(e)(1)," after "(d),".

SEC. 2. The amendments made by this Act shall take effect beginning on October 1, 1984.

The SPEAKER pro tempore. Is a second demanded?

Mr. SCHAEFER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentlewoman from Colorado (Mrs. SCHROEDER) will be recognized for 20 minutes and the gentleman from Colorado (Mr. SCHAEFER) will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Colorado (Mrs. SCHROEDER).

Mrs. SCHROEDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the legislation (H.R. 5517) which I bring to the floor today increases by five the number of experts and consultants who can be hired by the General Accounting Office (GAO) and increases by 19 the number of senior executives who can be employed by GAO. Further, the bill makes clear that these experts and consultants can be made a part of the GAO Senior Executive Service (SES) and can be paid at rates equal to that of senior executives.

In 1980, Congress passed legislation establishing an independent personnel system for GAO, insuring that this investigative arm of Congress is not subject to the jurisdiction of the executive branch agencies which it oversees. That legislation limited GAO to 100 SES positions. In the meanwhile, Congress has loaded more duties on GAO and the rapid growth in the use of computers throughout the Federal Government has left GAO struggling to meet its responsibilities. If Congress had not created an independent personnel system for GAO, it could have gone to the Office of Personnel Management to seek more SES slots. With the passage of the 1980 act, however, GAO must come back to Congress to get more SES slots.

Comptroller General Charles A. Bowsher told our subcommittee that these 19 new SES slots will be used as follows:

Seven will be placed in the Information Management and Technology Division, the unit that oversees the Federal investment in automatic data processing, software, and telecommunications;

Two will be placed in the Accounting and Financial Management area, one dealing with accounting and auditing policy issues and dealing with quality assurance of accounting and financial management reports;

One will be used for natural resources programs;

Three will be used in the defense area;

One will be allocated or the development and administration of GAO's internal automatic data processing system; and

Five will be held in reserve.

Similarly, the Comptroller General told us that GAO plans to use the additional experts and consultants in financial management, accounting, and job design and methodology. One use of experts will be to train permanent GAO staff in latest accounting policies and practices.

The Congressional Budget Office tells us that this bill will cost $400,000 a year if GAO gets no overall increase in slots, and could cost up to $1.7 million a year if all the slots are newly created. Clearly, this bill authorizes the expenditure of money. Yet, it is clear that, for every dollar GAO spends, the taxpayer saves hundreds of dollars in greater efficiency and in elimination of waste. The question is not whether we are spending too much money on GAO, but rather whether we are spending enough.

The Committee on Post Office and Civil Service has worked with the Committee on Government Operations, which has primary responsibility over the General Accounting Office, on this legislation.

I urge adoption of this legislation.

Mr. BROOKS. Mr. Speaker, I rise in support of H.R. 5517, which would provide authority to the General Accounting Office for additional senior executive service positions and for the procurement of additional experts and consultants. As the auditing and investigating arm of the legislative branch. The GAO has a vital mission to serve. It is through GAO's work in examining executive branch programs and operations that Congress learns whether its intent is being carried out and whether the agencies are operating effectively and efficiently.

As the functions performed by executive branch agencies have grown, in size as well as in technical complexity, the work of the GAO has become both more important and more difficult to achieve. The greatest area of this technical complexity is one in which the Government Operations Committee has taken a particular interest, the ever-increasing application of data processing and telecommunications systems and equipment by Federal agencies. It is crucial that GAO have the resources to monitor executive branch activities in this field. But, according to GAO, over 100 major Federal ADP systems costing tens of billions of dollars, have received little or no review to date due to insufficient technological and personnel resources. GAO has identified other areas where additional capabilities are needed, including accounting and financial management, Natural Resources Administration, and Defense.

To improve the management and supervision of GAO's audit and investigative functions, H.R. 5517 will provide for an increase in 19 senior executive service positions. It also will allow GAO to hire an additional five experts and consultants for periods of up to 3 years, increasing the number of such personnel from 10 to 15.

Mr. Speaker, although this legislation amends statutes within the jurisdiction of the Committee on Government Operations, the committee waived jurisdiction over this bill and endorsed its consideration by the Committee on Post Office and Civil Service so that the bill might be approved by the full House in a timely manner. H.R. 5517 requests only a modest increase in GAO's force of executive level positions and experts and consultants. In improving the GAO's ability to conduct its audit and investigative functions efficiently and effectively, we in the Congress are actually improving our oversight capability and thereby serving our constituents. I urge passage of H.R. 5517.

Mr. SCHAEFER. Mr. Speaker, we have no requests for time, and we yield back our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Colorado (Mrs. SCHROEDER) that the House suspend the rules and pass the bill, H.R. 5517, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. SCHROEDER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5517, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

VETERANS' HEALTH CARE AND FACILITIES IMPROVEMENT ACT OF 1984

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5618) to amend title 38, United States Code, to revise and improve Veterans' Administration health programs, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5618

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. (a) This Act may be cited as the "Veterans' Health Care and Facilities Improvement Act of 1984".

(b) Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

VETERANS' ADMINISTRATION POLICE OFFICERS

SEC. 2. (a)(1) Section 218 is amended to read as follows:

"§ 218. Security and law enforcement on property under the jurisdiction of the Veterans' Administration; appointment of police officers

"(a)(1) The Administrator may prescribe regulations to provide for the maintenance of law and order and the protection of persons and property on land and in buildings under the jurisdiction of the Veterans' Administration and not under the control of the Administrator of General Services (hereinafter in this section referred to as 'Veterans' Administration property'). The Administrator may also prescribe by regulation penalties within the limits established in paragraph (2) of this subsection for the violation of such regulations. Such regulations (including penalties prescribed under this paragraph) shall be posted in a conspicuous place on such property.

"(2) Whoever violates any regulation issued under paragraph (1) of this subsection shall be fined or imprisoned within the limits prescribed by the Administrator. Such a fine may not exceed $500 and such a term of imprisonment may not exceed six months.

"(b)(1) The Administrator may appoint qualified persons as Veterans' Administration police officers. Such police officers shall enforce Federal laws and the regulations issued under subsection (a) of this section on Veterans' Administration property. A Veterans' Administration police officer may make arrests on Veterans' Administration property for a violation of any law of the United States or of any regulation prescribed under subsection (a) of this section.

"(2) The Administrator may authorize police officers to carry firearms if the Administrator determines—

"(A) that a substantial safety risk may arise in the performance of investigative duties by police officers; or

"(B) that because of national emergency or regional disaster, the assistance or support of local law enforcement agencies may be unavailable for the protection of persons and Veterans' Administration property and a threat of substantial harm to such persons or property exists.

"(c) With the permission of the head of the agency concerned, the Administrator may use the facilities and services of Federal law enforcement agencies and of State or local law enforcement agencies when it is economical and in the public interest to do so.

"(d)(1) Notwithstanding any other provision of law, but subject to paragraphs (2), (3), and (4) of section 4107(g) of this title, the Administrator may increase the rates of basic pay for Veterans' Administration police officers authorized under applicable statutes and regulations. Any increase in such rates of basic pay made under this subsection may be made on a nationwide, local, or other geographic basis and for one or more of the grades of the General Schedule under section 5332 of title 5.

"(2) The Administrator shall appoint a chief inspector to supervise Veterans' Administration police officers. The chief inspector shall receive compensation at a rate determined by the Administrator, but not to exceed the highest rate of basic pay payable to a person in grade GS-15 of the General Schedule established by section 5332 of title 5.

"(e)(1 The Administrator shall select and regulate the pattern for a uniform for Veterans' Administration police officers.

"(2) The Administrator shall furnish each police officer authorized to carry firearms or other weapons with the necessary weapons and belts.

"(3)(A) The Administrator may reimburse police officers for purchases of uniform clothing. Except as provided in this paragraph, the total reimbursement paid to an officer may not exceed $175 in any calendar year.

"(B) The Administrator may reimburse a police officer for purchases of uniform clothing in an amount up to $400 in lieu of the annual amount authorized in subparagraph (A) of this paragraph. A police officer may not submit a claim for reimbursement under this subparagraph more than once. A police officer who resigns as a police officer less than one year after submitting a claim for reimbursement under this subparagraph shall repay to the Veterans' Administration a pro rata share of the amount paid, based on the number of months the police officer

was actually employed during the calendar year for which the reimbursement was made.

"(f) Except in a case in which the Administrator determines that advance notice is not feasible because of emergent circumstances, any modification or change to the rules and regulations prescribed under subsection (a) of this section or the standards issued under subsection (b) or (d) of this section may not take effect until ninety days after the date on which the Administrator submits a copy of the modification or change to the Committees on Veterans' Affairs of the Senate and House of Representatives.".

(2) The item relating to such section in the table of sections at the beginning of chapter 3 is amended to read as follows:

"218. Security and law enforcement on property under the jurisdiction of the Veterans' Administration; appointment of police officers.".

(b) Section 4107(g) is amended—

(1) by striking out "health-care" each place it appears in paragraph (2)(A);

(2) by inserting "or under section 218 of this title" in paragraphs (2) and (3) after "paragraph (1) of this subsection"; and

(3) by inserting "and in the exercise of the authority provided in section 218(d) of this title to increase the rates of basic pay for Veterans' Administration police officers," in paragraph (4) after "under this subchapter,".

(c)(1) Not later than 90 days after the date of the enactment of this Act, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the implementation of section 218 of title 38, United States Code, as amended by subsection (a). The Report shall contain (A) the rules and regulations prescribed under subsection (a) of that section, and (B) the standards issued under subsections (b) and (d) of that section. In addition, the Administrator shall submit with the report a list of the facilities where it is proposed to appoint Veterans' Administration police officers and of the number and salary of police officers proposed to be appointed at each such facility.

(2) A person may not be appointed as a Veterans' Administration police officer or paid a salary established pursuant to subsection (d) of that section until 90 days have elapsed from the date on which the Administrator submits the report and lists described in paragraph (1).

TREATMENT OF POST-TRAUMATIC STRESS DISORDER

SEC. 3. (a)(1) Subchapter II of chapter 17 is amended by inserting after section 620A the following new section:

"§ 620B. Treatment for post-traumatic stress disorder

"(a) The Administrator may furnish treatment services under this section to any veteran who—

"(1) is eligible for care of services under section 610 or 612 of this title; and

"(2) is determined by the Administrator to be suffering from post-traumatic stress disorder attributable to service in the Armed Forces.

"(b)(1) The services that may be furnished under this section include hospital care, medical services, outpatient services, counseling to family members and other persons in primary social relationships with a veteran, rehabilitative services, vocational counseling, home health services, and such other services as the Administrator finds necessary for the treatment of a veteran.

"(2) The Administrator may coordinate the provision of services under this section with the provision of services authorized by section 612A of this title.

"(c)(1) Services may be provided under this section only through treatment units established for the treatment of post-traumatic stress disorder by the Administrator in Veterans' Administration medical facilities over which the Administrator has direct jurisdiction.

"(2) In addition to the provision of treatment services to veterans described in subsection (a) of this section, such treatment units shall sponsor efforts to further the education of health-care professionals (including health-care professionals employed outside the Government) regarding the causes, diagnosis, and treatment of post-traumatic stress disorder.

"(3) The Administrator shall identify the resources allocated to such treatment units in material submitted with the President's budget for each fiscal year during which the units are proposed to be in operation.

"(4) When allocating funds for research relating to post-traumatic stress disorder, the Administrator shall give priority to medical facilities at which such treatment units are located in order that such research may, when feasible and otherwise appropriate, be carried out as such treatment units.

"(d) The Administrator shall on a regular basis compile and publish the results of research that has been conducted regarding the causes, diagnosis, and treatment of post-traumatic stress disorder and shall promote the exchange of information concerning such disorder among health-care professionals.

"(e) The Administrator may not furnish services under this section after September 30, 1988.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 620A the following new item:

"620B. Treatment for post-traumatic stress disorder.".

(b)(1) Section 620B of title 38, United States Code, as added by subsection (a), shall take effect on October 1, 1984.

(2) In the case of a Veterans' Administration medical facility that has a unit in existence on October 1, 1984, that provides special treatment for post-traumatic stress disorder, that facility shall be considered to have a treatment unit for the purposes of section 620B of title 38, United States Code, as added by subsection (a), unless the Administrator determines that the provision of treatment services for such disorder authorized to be provided under such section is unnecessary at that facility or that the demand for such services could be more efficiently met at another facility.

CLARIFICATION OF REPORTING REQUIREMENT

SEC. 4. Section 5010(a)(4)(C) is amended to read as follows:

"(C) After the expiration of the period for certification by the Director of the Office of Management and Budget under subparagraph (B) of this paragraph, the Comptroller General shall submit to the appropriate committees of the Congress a report stating the Comptroller General's opinion as to whether the Director of the Office of Management and Budget has complied with the requirements of that subparagraph in providing to the Veterans' Administration such funded personnel ceiling. The report shall be submitted not later than 15 days after the end of the period specified in such subparagraph for the Director to submit the required certification.".

PER DIEM RATES FOR STATE HOMES

SEC. 5. Section 641(c) is amended—

(1) by striking out "every three years";

(2) by striking out "a report" and inserting in lieu thereof "an annual report"; and

(3) by striking out "June 30, 1986" and inserting in lieu thereof "June 30, 1985".

EXTENSION OF ADMINISTRATOR'S AUTHORITY TO WAIVE RESTRICTIONS ON THE PROVISION OF CONTRACT HEALTH CARE IN PUERTO RICO AND THE VIRGIN ISLANDS

SEC. 6. Section 601(4)(C)(v) is amended by striking out "September 30, 1984" and inserting in lieu thereof "September 30, 1985".

EXTENSION OF GERIATRIC RESEARCH, EDUCATION, AND CLINICAL ACTIVITIES

SEC. 7. (a) Section 4101(f)(3) is amended by striking out the first sentence and inserting in lieu thereof the following: "There are authorized to be appropriated such sums as may be necessary for the support of the research and education activities of the centers established pursuant to paragraph (1) of this subsection.".

(b) The amendment made by subsection (a) shall take effect on October 1, 1984.

ACQUISITION OF PROPERTIES FOR USE AS STATE VETERANS' HOMES

SEC. 8. (a) Subchapter III of chapter 81 is amended as follows:

(1) Section 5032 is amended by inserting "(or to acquire facilities to be used as State home facilities)" after "State home facilities".

(2) Section 5034 is amended by inserting "or acquired" after "constructed" each place it appears.

(3) Section 5035 is amended—

(A) by inserting "(or acquisition of a facility to be used as a State home facility)" in the first sentence of subsection (a) after "State home facilities";

(B) by inserting "(or of the estimated cost of facility acquisition and construction)" in clause (1) of subsection (a) after "cost of construction";

(C) by inserting "(or for facility acquisition and construction of the project)" in clause (6) of subsection (a) after "construction of the project";

(D) by striking out "sections 276a through 276a—5 of title 40" in clause (8) of subsection (a) and inserting in lieu thereof "the Act of March 3, 1931 (40 U.S.C. 276a—276a-5)";

(E) by striking out "and" at the end of clause (7), by striking out the period at the end of clause (8) and inserting in lieu thereof "; and", and by inserting after clause (8) the following new clause:

"(9) in the case of a project for acquisition of a facility, reasonable assurance that the estimated total cost of acquisition of the facility and of any expansion, remodeling, and alteration of the acquired facility will not be greater than the estimated cost of construction of an equivalent new facility.".

(F) by inserting "(or of the estimated cost of facility acquisition and construction)" in clause (2) of subsection (b) after "cost of construction";

(G) by striking out "the construction of" in clause (4) of subsection (b) and inserting in lieu thereof "the carrying out of"; and

(H) in subsection (d)(1)—

(i) by inserting "(or of the estimated cost of facility acquisition and construction)" in

the first sentence after "cost of construction";

(ii) by striking out "constructed" in the second sentence and inserting in lieu thereof "carried out";

(iii) by striking out "construction" in the third sentence and inserting in lieu thereof "the project"; and

(iv) by striking out "the construction of" in the fourth sentence.

(4) Section 5036 is amended—

(A) by striking out "for construction" after "completion of any project";

(B) by inserting "acquisition," after "in the case of the";

(C) by striking out "value of such construction" and inserting in lieu thereof "value of such project";

(D) by striking out "for such construction" after "assistance provided"; and

(E) by striking out "twenty" both places it appears and inserting in lieu thereof "20".

(5) Section 5037 is amended by inserting "or acquired" after "constructed".

(b) The amendments made by this section shall take effect on October 1, 1984.

VETERANS AUTHORIZED TO BE FURNISHED WITH DRUGS AND MEDICINES

SEC. 9. (a) Section 612(h) is amended—

(1) by inserting "for a disability which is service connected and compensable in degree and to each veteran" after "veteran" the first place it appears; and

(2) by inserting "the compensable service-connected disability of a veteran or, in the case of a veteran who is permanently housebound or in need of regular aid and attendance, for" after "in the treatment of".

(b) The amendments made by subsection (a) shall take effect on October 1, 1984.

The SPEAKER pro tempore. Is a second demanded?

Mr. McEWEN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Mississippi (Mr. MONTGOMERY) will be recognized for 20 minutes and the gentleman from Ohio (Mr. McEWEN) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi (Mr. MONTGOMERY).

□ 1240

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the chairman of our Subcommittee on Hospitals and Health Care, the Honorable BOB EDGAR, is not here today. He is in his congressional district because of a previous engagement. Before yielding to the distinguished gentleman from Florida, DAN MICA, the ranking member of the subcommittee, for an explanation of the bill, I want to compliment BOB EDGAR for the outstanding leadership he has provided as chairman of the subcommittee during the past 2 years.

Mr. EDGAR held six regional hearings last year. He has already conducted several hearings this year and has additional field hearings planned during the remainder of this session of the Congress. He and other members of the subcommittee have worked extremely hard to make certain that the veterans of our Nation are provided quality health care. As chairman of the full committee, I just want to congratulate members of the subcommittee at this time for the great work they have done.

Mr. Speaker, the distinguished gentleman from Arkansas, JOHN PAUL HAMMERSCHMIDT, is also to be congratulated for his leadership as the ranking minority member of the subcommittee. JOHN PAUL has also been present at all of these hearings and has cooperated with Mr. EDGAR fully in an effort to get this legislation to the floor. I am grateful to all members of the subcommittee for the time they have devoted to their work on the committee.

Mr. Speaker, I now yield such time as he may consume to the distinguished gentleman from Florida (Mr. MICA), who will explain the bill.

Mr. MICA. Mr. Speaker, first I would like to take a moment and also commend my chairman, the gentleman from Alabama, and our chairman of the subcommittee, the gentleman from Pennsylvania (Mr. EDGAR), for doing a tremendous job on this legislation.

I think the concern for veterans and their health care is noted very aptly in this legislation.

H.R. 5618 is a clean bill for a number of bills considered and recommended by the Subcommittee on Hospitals and Health Care. The bill includes the provisions of H.R. 3876, which I introduced and which was cosponsored by the chairman of the subcommittee, Mr. EDGAR. It also includes the provisions of H.R. 4625, H.R. 4792, H.R. 4833, H.R. 5225, H.R. 5412, and H.R. 5551 as amended by the subcommittee and approved by the full committee at its May 10 markup.

H.R. 5618 authorizes the VA to establish special units for the treatment of posttraumatic stress disorder (PTSD), which affects a number of veterans who were exposed to combat and reacted to its damaging psychic effect. Members of the subcommittee have seen the success of these units, where veterans help each other integrate their feelings about the wartime trauma with other, normal experiences; and we think this legislation will encourage the VA to establish more of these units.

Section 9 of the bill includes the language of H.R. 3876, which I introduced last year to help veterans who have service-connected disabilities. Many of these veterans, for various reasons, obtain treatment for their service-connected disabilities at their own expense, thus saving the Government money. Some VA medical centers recognized that they were able to serve more veterans because of a veteran's willingness to pay for his or her treatment and decided that they would fill prescriptions written by non-VA physicians for treatment of service-connected disabilities. This practice was halted last year when the general counsel held, in an unpublished opinion, that there was no statutory authority to do this. H.R. 5618 will give the VA authority to fill prescriptions necessary for the treatment of a veteran's service-connected disability when the prescription is written by a non-VA physician. The committee does not believe that veterans with service-connected disabilities who pay for their own treatment should be penalized by being forced to pay for prescriptions that they could obtain without cost if the VA also paid for their treatment.

The bill would also reformulate the VA's security operations at the 172 VA hospitals. I have seen a steady decline in employee morale as a result of poor security at some VA medical facilities, and this legislation will help the Administrator turn this situation around.

H.R. 5618 will also expand the State veterans' home grant program so that States can acquire existing buildings and convert them for use as State homes. This measure will also require an annual report on the adequacy of the per diem payment which the VA pays to State homes.

Finally, this bill will extend the VA's authority to provide care in non-VA facilities in the Virgin Islands and Puerto Rico and will extend the VA's successful GRECC program, which is designed to focus attention on the needs of aging veterans. This bill also contains a technical amendment recommended by the Comptroller General.

I urge my colleagues to support H.R. 5618.

Mr. Speaker, I thank the chairman of the full committee.

Mr. McEWEN. Mr. Speaker, I yield myself such time as I may consume.

H.R. 5618 is an omnibus bill concerned with the delivery of health care to the veterans of this Nation. It has been reported to the floor of the House by unanimous vote of the Committee on Veterans' Affairs. Its provisions have been the subject of extensive hearings both in the field and here in Washington. It is a good bill

and one that deserves the support of the Congress.

Mr. Speaker, this bill seeks to correct a serious security problem at a number of VA medical centers. This problem concerns VA security officers and security itself. Low morale among personnel and high turnover, as well as difficulty in recruiting security officers, is commonplace in too many centers. This has occurred because pay and other benefits for employees in VA hospitals in certain areas of our country lag far behind those of other medical facilities. The passage of H.R. 5618 will materially assist in solving this problem, thus alleviating a serious concern of VA patients across our land.

As was mentioned by my friend and colleague from Florida (Mr. MICA), H.R. 5618 authorizes in law treatment for posttraumatic stress syndrome. It affects all veterans but gives emphasis to those of the Vietnam war who experienced this serious problem. So-called combat units have already been established in several VA medical centers to treat this condition. The number will be modestly increased by this bill.

Mr. Speaker, one of our Nation's best veterans' programs is a shared Federal-State relationship. I refer to our State veterans homes, which are operated on a partnership basis between the Veterans' Administration and the States. A per diem rate is paid to the State homes for each veteran-patient. On a number of occasions that rate has not been fairly and timely adjusted to take inflation, medical, or other cost factors into account. Current law calls for the VA to study these rates and report upon them to the Congress every 3 years. The bill before us changes this rule and requires an annual study and report. This is an excellent provision.

□ 1250

Mr. Speaker, VA provides non-service-connected contract care to a large number of veterans in Puerto Rico and the Virgin Islands. Authority for this expires at the end of the fiscal year 1984. H.R. 5618 extends that authority for 1 more year. Hopefully, the VA will use that year to complete its several studies about future health care needs of veterans in these two concerned areas.

Hopefully, also VA will then make necessary and appropriate specific recommendations to the Congress. For far too long a very bad situation has been allowed to exist in Puerto Rico. It is a situation that literally demands new hospital construction and new leasing to accommodate both inpatient and outpatient treatment for veterans of both Puerto Rico and the Virgin Islands. We ought to give priority of the highest order to once and for all solve this difficult problem. The veterans of these areas have every right to expect positive and expedited action by both the Veterans' Administration, as well as the Members of the Congress.

Mr. Speaker, H.R. 5618 also authorizes service-connected veterans to have private doctor prescriptions filled by VA hospital pharmacies. As was pointed out so eloquently by the gentleman from Florida, in the past this was allowed, although legal authority did not exist for it. This bill corrects that problem.

The Committee on Veterans' Affairs recognizes that some policy problem areas exist with this proposal but believes that by regulation the VA can cure the problems and thus assure that necessary controls are put into place to control possible abuses of this provision.

Mr. Speaker, H.R. 5618 contains other technical provisions already referred to. Each are important and necessary and I commend them to the House.

In closing and finally, Mr. Speaker, I want to commend our distinguished chairman, the gentleman from Mississippi (Mr. MONTGOMERY); our ranking member on the full committee, the gentleman from Arkansas (Mr. HAMMERSCHMIDT) for their leadership on this bill. I also want to commend the distinguished chairman of the subcommittee and join the full committee chairman in expressing our accolades to the gentleman from Pennsylvania (Mr. EDGAR), who has done yeoman work on this proposal. His field hearings were most productive and enlightening. His diligence, his hard work, his leadership were obvious to all of us who worked with him on these matters as they progressed through committee. Truly he deserves the commendation of the House.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. MCEWEN. I yield to the gentleman from New York.

Mr. SOLOMON. I thank the gentleman for yielding.

Mr. Speaker, let me just take a moment to concur in the remarks of the gentleman from Florida (Mr. MICA) and my colleague from Ohio (Mr. MCEWEN).

I would also commend the gentleman from Pennsylvania (Mr. EDGAR) for his outstanding work in putting together the omnibus bill, as well as our esteemed chairman, the gentleman from Mississippi (Mr. MONTGOMERY), and the gentleman Arkansas (Mr. HAMMERSCHMIDT), who also happens to be the ranking minority member of the Subcommittee on Hospitals and Health Care.

I think we ought to just mention the majority and minority staffs on both of these subcommittees, because in putting together the omnibus bill, they did an outstanding job on a bipartisan basis.

Again, I commend all for bringing the bill to the floor and I hope it passes unanimously.

Mr. MCEWEN. I thank the gentleman for his contribution and express my admiration for his contribution as well.

Mr. Speaker, I have no further requests for time and reserve the balance of my time.

● Mr. EDGAR. Mr. Speaker, the Subcommittee on Hospitals and Health Care of the House Committee on Veterans' Affairs held several hearings on the provisions included in this legislation. We received very detailed testimony from witnesses with diverse backgrounds and various points of view. JOHN PAUL HAMMERSCHMIDT, the ranking minority member, and I, as well as the other members of the subcommittee, took considerable time last year to visit a number of VA facilities throughout the country. We listened to the veterans receiving care at those facilities, and we heard the views of a number of VA employees who provide the health care. I would like to thank SONNY MONTGOMERY, the chairman of our committee, for his support of our efforts to learn more about the problems facing the VA health care system. I also want to express my appreciation for the contributions made by the members of the subcommittee, whose thoughtful questions and insight were invaluable during the subcommittee's consideration of this legislation.

Mr. Speaker, this measure is largely a result of our field visits last year. The other product of these visits can be found in our committee's recommendations to the Budget Committee of March 15. I mention this briefly because it was apparent to all members who accompanied Mr. HAMMERSCHMIDT and me on our field hearings that money is seriously impacting on the quantity and quality of the health care being provided to our Nation's veterans. I know there are many domestic programs which have been curtailed because of current administration policies. But I would ask the Members of this House to go out and look at what the VA is doing with the resources we are providing. The VA is doing a good job with the resources we provide, but in some instances, there just is not enough money to provide the quality of care veterans deserve. And while we are urging the VA to come up with innovative ways of meeting the rising demand for health care, all of us must share the responsibility for insuring that the quality stays high. In some areas such as diagnostic equipment; that is, CT scanners and NMR's, there is no alternative but to spend the money needed because modern medical practice demands that these machines be used.

The other side of the coin is the legislation being considered today, H.R. 5618. The subcommittee visited several facilities where special units known as combat units had been established to treat Vietnam veterans suffering from posttraumatic stress disorder. I think we were all impressed by the dedication of the employees on these units who were committed to helping veterans work through their reaction to some traumatic event related to service in Vietnam. This legislation would authorize the VA to establish additional units for any veteran suffering from posttraumatic stress disorder attributable to service in the Armed Forces, while at the same time making them centers for research and educational activities. This legislation will also encourage the exchange of information among professionals involved in the treatment of posttraumatic stress disorder, and will signify our commitment to aid those veterans who have not completely readjusted following their service in the Armed Forces.

Section 2 of this bill will restate the VA's authority to maintain law and order at VA hospitals, and will permit the appointment of VA police officers. It will also increase the uniform allowance for such officers and permit the administrator to deal with recruiting and retention problems at certain VA hospitals. While the bill does not contain any specific requirements as to training of police officers, I want to emphasize the committee's concern with this aspect of recruiting and retaining police officers. Officials of the VA admitted that they knew of no other police force which provides so little training for its recruits—1 week. Adequate training is indispensable to a competent police officer. It enables police officers to perform their duties in a professional manner, and should result in greater protection for veterans, their families, and other VA employees. The committee strongly encourages the Administrator of Veterans' Affairs to look at this situation personally and see whether adequate training is being provided when compared with any other police force.

Several provisions of this bill are designed to improve the State veterans' home program. The VA currently provides two kinds of assistance to States which have homes where elderly and disabled veterans can reside or receive nursing home care. First, the VA will help the States establish a home by providing up to 65 percent of the cost of constructing and equipping such a home. Then, the VA contributes a portion of the cost of sustaining veterans at the home, with the rate varying depending on whether the veteran requires domiciliary, nursing home, or hospital care. I am very pleased that there is a high level of interest in this program in various States, and that the administration has responded to this increased interest by raising the level of funding requested for the grant program. This legislation will do two things. It will authorize the Administrator to make grants for projects where the State plans to acquire an existing building to be used as a veterans home. Many of us are aware of the shift in need for health care. With the veteran population over age 65 expected to double between now and 1990, the VA and States must have the flexibility to choose alternatives to building new facilities for veterans. I think this legislation will help make more efficient use of health care facilities that otherwise might go unused, and I commend the gentleman from Minnesota, Mr. PENNY, for his efforts on this measure.

The other change we are making is a simple one that has been endorsed by the National Association of State Veterans' Homes. Under existing law, the VA must examine the adequacy of the per diem rates which it pays to States on a per capita basis and report to the Congress every 3 years. This legislation would require a report annually. We think that annual reporting will keep the Congress better advised as to the adequacy of the VA payments, and will permit us to make an informed decision on changing these rates when warranted.

Section 9 of this legislation will permit the Veterans' Administration to fill prescriptions written by non-VA physicians for treatment of the service-connected disabilities of veterans. At present, these veterans are entitled to treatment at VA expense. However, for various reasons, some of these veterans elect to receive treatment for their service-connected disabilities from a private physician at their own expense. Under existing law, these veterans are not entitled to drugs and medicines from the VA unless they are also being treated at VA expense. The subcommittee held hearings on this matter and concluded that forcing veterans to be treated at VA expense when they were willing to pay for their own treatment did not make sense. In fact, until recently, several VA medical centers had been providing drugs and medicines in this type of situation. This legislation will permit all VA medical centers to provide veterans with necessary medication for their service-connected disabilities. The Congressional Budget Office projects that there will probably be a net savings from enactment of this legislation, although data is not available to project the precise amount of dollars saved. This is a good provision, and I commend the gentleman from Florida, Mr. MICA, for introducing it.

H.R. 5618 will also extend two programs which are due to expire at the end of this fiscal year. One of these is the much admired GRECC program, which established centers of excellence to attract highly regarded professionals to the important field of geriatrics. There is clearly a need to continue the emphasis on geriatric care in the VA, and this legislation would extend this authority indefinitely.

This bill would also extend the VA's authority to provide hospital care in private facilities in Puerto Rico and the Virgin Islands. This authority is due to expire on September 30 of this year. There is a need to construct additional VA facilities to serve veterans residing in the Virgin Islands and Puerto Rico. The VA has not submitted a proposal to resolve the shortage. Therefore, it is necessary to extend the authority to provide care in private facilities in these locations. I want to encourage the Administrator to submit a proposal to resolve the shortage of VA facilities in these two locations as soon as possible.

Mr. Speaker, this legislation was anticipated when the Budget Committee prepared its budget resolution that was approved by the House earlier this year. This bill is one that is necessary, yet it will have little budgetary impact. I would again like to thank the chairman of the full committee, SONNY MONTGOMERY, the ranking minority member, JOHN PAUL HAMMERSCHMIDT, and the other committee members for their hard work in moving this legislation. H.R. 5618 is a good bill, and I urge my colleagues to support it.●

● Mr. HAMMERSCHMIDT. Mr. Speaker, the bill before the House, H.R. 5618, provides several important, if not vital, adjustments to the health care delivery system of the Veterans' Administration. In our travels around the country, members of the Veterans' Affairs Committee have been made aware of the security problems in many of our VA hospitals. In addition, low morale, high turnover, employee dissatisfaction, patient concern, and recruitment problems are commonplace throughout the system. It follows that finding and hiring new employees, and the attendant costs of training could be difficult. This legislation does much toward addressing this complex issue and I commend Mr. EDGAR for his efforts in dealing with the problem.

Mr. Speaker, posttraumatic stress disorder has been a demon of soldiers in many wars, but with respect to the Vietnam veterans, it is an especially turbulent burden. H.R. 5618 emphasizes treatment for these veterans, and specifically addresses the "combat units" that have been a part of several VA medical centers and which will continue to be added to the system.

This bill also takes to task the current inequities that exist between the per-diem rates paid to State veterans homes and the increases in inflation

and other costs. The rate has not always been fairly adjusted and this measure makes an annual study and report mandatory. This should help resolve the problem and I support its inclusion in this bill.

Contract care for non-service-connected veterans in Puerto Rico and the Virgin Islands is an issue that should remain high on the list of Veterans' Administration officials. This program is currently far below standards and demands immediate action if we are to preserve any dignity for those veterans who are now receiving inadequate care in inadequate facilities. H.R. 5618 extends contract care authority through fiscal year 1985, and I urge the Veterans' Administration to use that time wisely and set goals and priorities to resolve an embarrassing situation. Finally, Mr. Speaker, this bill addresses the issue of private-physician-ordered prescriptions and the VA pharmacies' problems with filling those prescriptions. This legislation authorizes this practice, and although there are apt to be some administrative problems at the onset, we believe controls can be implemented to overcome these problems.

Thank you, Mr. Speaker.●

● Mr. CORRADA. Mr. Speaker, I rise in strong support of H.R. 5618, the Veterans Health Care and Facilities Improvement Act of 1984, which provides for changes in miscellaneous Veterans' Administration programs.

I am particularly supportive of the provisions of the bill regarding the establishment of special units within the VA hospitals to care for veterans who suffer posttraumatic stress disorder; the authorization to the VA to fill prescriptions issued by private physicians for treatment of veterans' service-connected disabilities; and the extension for 1 year of the VA authority to contract out health care services in Puerto Rico and the Virgin Islands.

The posttraumatic stress disorder was recently identified as a mental dysfunction present in wartime veterans. Treatment of veterans suffering from it, as well as research efforts in this area, warrant our full support and encouragement. Some VA centers have already autonomously undertaken the task of establishing treatment units for this mental disorder. This measure would formalize their existence and hopefully trigger the establishment of such units everywhere they are needed across the Nation.

In addition, the bill would require that research funds for this mental condition be given preference which would lead to better quality care in the PTSD treatment units. The authorization to the VA to provide veterans privately prescribed drugs and medicines also warrants our approval. This provision is cost-effective and beneficial to the veterans. Currently, a veteran would have to first become part of an outpatient clinic program in order to get non-VA-issued prescriptions filled by the VA. Such procedures place an unnecessary burden on the VA outpatient clinics and therefore limit access for other needy veterans.

Mr. Speaker, last but not least, I strongly urge my colleagues to support the 1-year extension of the VA to contract out services in Puerto Rico and the Virgin Islands. The ability of the VA to use private facilities and physicians in Puerto Rico is of paramount importance for the VA to carry out its responsibilities to the thousands of needy-eligible veterans living on the island. This authority will continue to be necessary until the VA in Puerto Rico is equipped with adequate facilities to handle the overwhelming demand for health care services there. I urge my colleagues to vote for the passage of this extension and secure the continued delivery of health services to every ailing qualified veteran in Puerto Rico.●

Mr. MONTGOMERY. Mr. Speaker, I would like to thank the gentleman from Ohio (Mr. MCEWEN) and the gentleman from New York (Mr. SOLOMON) for their full support for this bill.

I would like to commend again the efforts of the subcommittee. I certainly want to fully support this measure.

I ask all Members to vote for the passage of this legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. MONTGOMERY) that the House suspend the rules and pass the bill, H.R. 5618, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

NAMING OF VETERANS' ADMINISTRATION MEDICAL CENTER AT MILWAUKEE, WIS., FOR CLEMENT J. ZABLOCKI

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4734) to name the Veterans' Administration Medical Center in Milwaukee, Wis., the "Clement J. Zablocki Veterans' Administration Medical Center."

The Clerk read as follows:

H.R. 4734

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Veterans' Administration Medical Center in Milwaukee, Wisconsin, shall after the date of the enactment of this Act be known and designated as the "Clement J. Zablocki Veterans' Administration Medical Center". Any reference to such medical center in any law, regulation, map, document, record, or other paper of the United States shall after such date be deemed to be a reference to the Clement J. Zablocki Veterans' Administration Medical Center.

The SPEAKER pro tempore (Mr. BROOKS). Pursuant to the rule, a second is not required on this motion.

The gentleman from Mississippi (Mr. MONTGOMERY) will be recognized for 20 minutes and the gentleman from New York (Mr. SOLOMON) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi (Mr. MONTGOMERY).

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill (H.R. 4734).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring to the House a bill introduced by the distinguished dean of the Wisconsin congressional delegation, the Honorable BOB KASTENMEIER and cosponsored by the entire delegation, to honor our late friend and colleague, Clement J. Zablocki. H.R. 4734 would name the VA Medical Center in Milwaukee, Wis., the "Clement J. Zablocki Veterans Administration Medical Center."

The untimely death of our friend earlier this year came as a shock to us and the people of his district. His work in this Chamber, which spanned five decades, will always be remembered.

Clem Zablocki played a major role in our foreign policy for many years. As chairman of the Foreign Affairs Committee, Clem had the opportunity to meet and discuss world problems with most of the influential leaders in the world. He served in this most important position of leadership with distinction. But I will remember my friend for the compassion and commitment he had for the thousands of men and women who served in our military services in carrying out our foreign policy decisions throughout the world.

Mr. Zablocki never forgot the veteran. He helped establish and supported various programs during all of his 34 years in the Congress. He believed we should care for those who are sent to answer their nation's call in time of war. When he began to establish his priorities for the expenditure of Federal funds, especially during recent years when reductions were being made in so many programs, Clem Zablocki placed veterans at the top of his list. He never wavered. Veterans knew they could count on him.

Members of the Wisconsin congressional delegation and veterans organization representatives in Wisconsin

have told me that Mr. Zablocki visited VA facilities regularly. He was there because he cared for the welfare of veterans and he made regular visits to VA facilities because he cared for employees of the agency who work diligently in behalf of veterans in need.

Yes, Mr. Speaker, I am proud to join my good friend, BOB KASTENMEIER, and the Wisconsin congressional delegation in support of this bill (H.R. 4734) to name the VA medical center in Milwaukee for our departed friend.

Mr. Speaker, at this time I yield such time as he may consume to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, I rise in support of H.R. 4734, legislation to name the Veterans' Administration Medical Center in Milwaukee, Wis., for our late colleague, Clement J. Zablocki.

This is a fitting honor for a man who labored long and well in behalf of our Nation's veterans. He was instrumental in bringing about the construction of a new VA Medical Center in Milwaukee, and the conversion of the existing VA hospital to a domiciliary.

Clem Zablocki served in this House longer than any other Member from Wisconsin—from 1948 until his untimely death on December 3, 1983. He served on the Committee on Foreign Affairs from the 81st Congress to the 95th Congress, when he was named chairman of that committee.

The naming of the Milwaukee Veterans' Administration Medical Center for Clement J. Zablocki would not only be an appropriate tribute to our distinguished colleague but would also serve as a reminder of his outstanding service to the veterans of this Nation. I urge my colleagues to support H.R. 4734.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the legislation before us today honors the late chairman of the House Foreign Affairs Committee, Clement Zablocki. I had the great privilege of serving on the committee while Clem Zablocki was chairman, and I can honestly say that of him, America has a role to play as the conscience and force of freedom around the globe. All he asked for was the privilege of playing his part in seeing to it that America did indeed fulfill that destiny.

I am just as certain that all who knew him away from his office would say that Clem Zablocki was a trusted and dear friend, a man any of us would be proud to emulate, and certainly, a true representative of the people of Wisconsin.

This House has honored Clem Zablocki in several ways since his death, but the passage of this legislation will demonstrate yet another measure of our great esteem and admiration for his accomplishments.

Mr. Speaker, Congressman Zablocki played a crucial leadership role in the construction of a new VA Medical Center in Wisconsin and in the conversion of existing VA facilities into a domiciliary center. In addition, throughout his illustrious career in this House, Clement Zablocki was consistently in the forefront of the movement to champion the American veteran.

Passage of H.R. 4734 today will represent what is, in my opinion, one of the highest honors this House can bestow upon one of its past leaders. Naming the Milwaukee VA Medical Center after Congressman Zablocki will serve as enduring testament to his leadership and vision.

I might also add, Mr. Speaker, that this legislation was unanimously approved by the Veterans' Affairs Committee, and meets all committee rules and requirements.

I urge the House to unanimously approve this legislation out of respect and in honor of a truly great American, Clement Zablocki.

□ 1300

Mr. MONTGOMERY. Mr. Speaker, I would like to commend the gentleman from New York (Mr. SOLOMON) for his interest in the subcommittee and his work on this legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. KASTENMEIER), the dean of the Wisconsin delegation.

Mr. KASTENMEIER. I thank the chairman of the committee, my colleague and my friend, for yielding time to me; and I thank him, the gentleman from Pennsylvania, the gentleman from Florida, the gentleman from New York who preceded me, and indeed the entire Veterans' Affairs Committee, for their action on H.R. 4734.

Mr. Speaker, I am delighted that the House has the opportunity today to consider H.R. 4734 which would name the Veterans' Administration Medical Center in Milwaukee, Wis., the "Clement J. Zablocki Veterans' Administration Medical Center." This bill was cosponsored by the entire Wisconsin delegation and we feel that it is an appropriate way to honor our late colleague whose abilities, intelligence, and fairness won him the respect of all his colleagues.

Clem Zablocki was instrumental in having the VA hospital in Milwaukee approved and built in the 1960's and later he helped found a new domiciliary on the grounds which was dedicated in 1979. He was the original sponsor of the legislation in the 83d and 84th Congress which drew attention to the need for a new medical facility. He worked for years with the congressional committees and executive branch to obtain approval and he insisted that it be a fully modernized as its functions expanded to serve our veterans.

In addition, he worked diligently to insure that other veterans benefits would be centralized at the VA facility to make it easier to process medical, disabilility and educational benefits. Prior to the centralization of these activities at the VA Center in Milwaukee, veterans had to visit the regional office for any nonmedical services.

Congressman Zablocki consistently and without hesitation supported legislation and initiatives on a national level to improve the condition of veterans. His work was honored in 1965 when he received the distinguished Silver Helmet Congressional Award from the national veterans' organization, AMVETS.

In its citation, AMVETS mentioned Zablocki's legislation to authorize construction of the medical center in Milwaukee and his active work toward its progress and well-being. The citation added:

> The V.A. hospital at Wood is only one example of the Congressman's interest and efforts in behalf of veterans. He also pioneered in the establishment of nursing care and rehabilitation programs for veterans. Over the years, Congressman Zablocki has given his full support to legislation providing equitable compensation and other benefits for servicemen and veterans. In addition, there has not been an AMVET problem in which Congressman Zablocki has refused to take an interest. (Citation, April 3, 1965.)

Zablocki's interest in veterans' legislation remained keen throughout his career. In the 88th Congress, he championed a program of nursing care for disabled veterans which was enacted into law.

Congressman Zablocki also authored, cosponsored and voted on the side of veterans in countless issues throughout his 35 year career. His positions included the following:

Support of equitable pay treatment of VA physicians and dentists;

Support for continued interaction between VA hospitals and medical colleges;

Support of cost-of-living increases in compensation and pension programs;

Support for treatment of ailments attributed to agent orange;

Support for education and training for Vietnam-era veterans;

Cosponsoring of pensions for World War I veterans;

Cosponsoring of exclusion of social security benefits in calculating veterans' benefits;

Voted for increased disability benefits, home loan programs, health benefits, and counseling centers for Vietnam-era veterans;

Promoted high technology training in VA education and training programs.

Currently, only 18 of the 172 VA hospitals in the United States have

been named after Presidents of the United States and other distinguished individuals. I would urge my colleagues to support H.R. 4734 to include our late colleague and friend, Clement J. Zablocki, in this distinguished group of Americans.

Mr. MONTGOMERY. Mr. Speaker, I want to commend the gentleman from Wisconsin (Mr. KASTENMEIER) for his work with our committee on this legislation and the rest of the Wisconsin delegation.

● Mr. GUNDERSON. Mr. Speaker, I am pleased to rise in strong support of H.R. 4734 that would rename the Veterans' Administration Medical Center in Milwaukee the "Clement J. Zablocki Veterans' Administration Medical Center."

This designation is most appropriate because of Clem's overall commitment to veterans, medical care, and particularly the Veterans' Administration medical facility being renamed today.

We have all had opportunities in the past 4 months to individually honor the memory of this distinguished statesman and good friend. Now, it would be a most fitting tribute for this legislative body to collectively recognize Chairman Zablocki's many contributions to his district, State, and Nation by renaming this Federal facility in his honor.

In this way future generations may share the respect and admiration we have all expressed today for this truly great American. I urge my colleagues to unanimously support this bill.●

● Mr. HAMMERSCHMIDT. Mr. Speaker, few of us in this Chamber today, or in the House and Senate in general, can forget Clem Zablocki. As chairman of the Foreign Affairs Committee he was powerful yet self-restrained in the use of that power. He was often in the presence of great leaders but he would not have thought that he, too, was considered great by many of those world dignitaries.

As our colleague, he was a friend and a patriot, a man of sincere warmth and charm. I know I speak for many Members present and past when I say we miss his leadership and friendship.

Mr. Speaker, the bill before the House, H.R. 4734, in a small way commemorates the memory of Clem Zablocki by authorizing the naming of the VA Medical Center in Milwaukee for this distinguished American.

This bill was unanimously reported out of the Veterans' Affairs Committee and it meets all the rules of our committee. I join with our chairman, Mr. MONTGOMERY, in support of this bill and I want to congratulate the members of the Wisconsin delegation for their efforts in behalf of their much beloved colleague.

Thank you, Mr. Speaker.●

● Mr. MOODY. Mr. Speaker, I rise today in support of H.R. 4734. I believe the renaming of the VA Medical Center in Milwaukee after the late Representative Clement J. Zablocki is an apt tribute to a fine American.

Clem Zablocki worked for the benefit of veterans throughout his career. He was instrumental in the passage of the War Powers Resolution which reasserted the role of Congress in the formulation of foreign policy. Yet Clem maintained his ties to Milwaukee and to the people of his district, which is much more than one can say about some politicians in national politics.

Clem Zablocki was a decent man who served everyone in the Fourth District in Wisconsin, and in the United States for 34 years. I am happy to join with Representative KASTENMEIER and the rest of the Wisconsin delegation in support of this legislation.●

● Mr. BIAGGI. Mr. Speaker, it is a high honor for me to join in support of H.R. 4734, a bill to bestow an especially fitting tribute for our late and departed colleague, Clement J. Zablocki.

For 34 distinguished years, Clement Zablocki served the people of Milwaukee in the House of Representatives. In fact he served longer than any Member of Congress from the State of Wisconsin. He, of course, served with special effectiveness as chairman of the House Foreign Affairs Committee and was instrumental in the enactment of many of the key foreign policy initiatives of this decade.

Clem Zablocki had a special relationship with the VA Center in Milwaukee. He worked diligently for the construction of the medical center and the conversion of what was then the existing Veterans' Administration hospital to a domiciliary facility. Clem earned the AMVETS Silver Helmet Congressional Award in 1965 for his work on behalf of veterans.

Much has been said in the way of spoken tributes to Clem Zablocki, but passage of a bill of this type is far more significant and meaningful. It seems especially fitting that we take this action on behalf of Clement and have the VA center in his beloved Milwaukee stand as a living symbol of this great man and American.●

Mr. MONTGOMERY. Mr. Speaker, we have asked unanimous support for this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. SOLOMON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. MONTGOMERY) that the House suspend the rules and pass the bill, H.R. 4734.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

VETERANS HOUSING AMENDMENTS OF 1984

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5617) to amend title 38, United States Code, to increase certain dollar limitations under Veterans' Administration housing programs, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5617

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 802 of title 38, United States Code, is amended—

(1) by striking out "$32,500" in subsection (a) and inserting in lieu thereof "$35,000"; and

(2) by striking out "$5,000" in subsection (b) and inserting in lieu thereof, "$6,000."

(b) Section 1810(c) of such title is amended by striking out "$27,500" and inserting in lieu thereof "$30,000".

(c) Section 1819(c)(3) of such title is amended—

(1) by striking out "per centum" and inserting in lieu thereof "percent"; and

(2) by striking out "$20,000" and inserting in lieu thereof "$22,000".

(d) The amendments made by this section shall take effect on October 1, 1984.

SEC. 2. (a) Section 1004(c) of title 38, United States Code, is amended—

(1) by inserting "(1)" after "(c)"; and

(2) by adding at the end the following:

"(2) Each such marker shall be upright, except that, if the person buried (or the survivor or legal representative of the person buried) has requested that the grave be marked with a flat marker, the person shall be buried in a cemetery section set aside for graves marked with flat markers and a flat marker shall be used.".

(b)(1) The amendments made by subsection (a) shall apply with respect to markers for graves of persons who die after September 30,1984.

(2) During the period beginning on October 1, 1984, and ending on December 31, 1984, the Administrator of Veterans' Affairs—

(A) may waive the applicability of section 1004(c)(2) of title 38, United States Code, as added by subsection (a), in the case of the grave of a person to be buried during such period in a cemetery in which there is no section set aside for graves with upright markers; and

(B) may deny a request under section 1004(c)(2) of title 38, United State Code, as added by subsection (a), that the grave of a person to be buried in a national cemetery be marked with a flat marker if the denial is for the reason that in the cemetery in which the burial is to take place there is no section set aside for graves with flat markers.

(3) Not later than January 1, 1985, the Administrator of Veterans' Affairs shall designate for each cemetery in the National Cemetery System a section in which graves shall be marked with upright markers and a section in which graves shall be marked with flat markers.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Mississippi (Mr. MONTGOMERY) will be recognized for 20 minutes and the gentleman from Ohio (Mr. MCEWEN) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi (Mr. MONTGOMERY).

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on H.R. 5617.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join my colleagues on the Veterans' Affairs Committee in bringing this bill to the House. It is designed to help veterans own their own homes.

The bill raises the maximum loan guaranty limits to keep pace with increased housing costs.

The gentleman from Alabama. (Mr. SHELBY), has shown great leadership in directing the work of this subcommittee and I congratulate him and the distinguished ranking minority member from New Jersey (Mr. CHRIS SMITH), for their work on the subcommittee.

I am grateful that the Members have included in this legislation a provision which I have supported for many years. Section 2 of the bill would require that upright markers be used in all of our national cemeteries. TOM DASCHLE, a distinguished member of the committee has also sponsored legislation for this purpose. I want to thank the subcommittee members for their work and especially Mr. BILIRAKIS for the amendment he offered in committee to give the families of deceased veterans the option of having their loved ones buried in a section set aside for graves marked with flat markers if they so choose.

Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the subcommittee, the gentleman from Alabama (Mr. SHELBY).

Mr. SHELBY. Mr. Speaker, the committee bill, H.R. 5617, is a simple but necessary measure.

It would increase from $32,500 to $35,000 the specially adapted housing grant for "wheelchair homes"—a one-time grant which assists severely disabled service-connected veterans in constructing or modifying their homes.

Under current law, veterans are eligible for specially adapted housing if they have a compensable permanent and total service-connected disability: First, due to loss or loss of use of both lower extremities; or second, which involves blindness in both eyes having only light perception plus loss or loss of use of one lower extremity; or third, due to loss or loss of use of one lower extremity together with residuals of organic disease or injury or loss of or loss of use of one upper extremity which so affect the functions of balance of propulsion as to preclude locomotion without resort to a wheelchair.

Mr. Speaker, at the time this program was created, it was the congressional intent that this grant provide 50 percent of the total cost borne by the veteran for any modifications to a house made necessary by nature of the service-connected disability. These special fixtures would include items such as ramps, wide doors, specially placed light switches, special plumbing fixtures, etc. The grant may not exceed $32,500, however, and there is no distinction between disabilities incurred in wartime and peacetime service.

At the May 3, 1984, hearing held by the Subcommittee on Housing and Memorial Affairs, the Veterans' Administration testified that the average grant currently provided to these catastrophically disabled veterans represents 37 percent of the funds necessary to obtain a specially adapted house. This falls far short of the intended 50 percent ratio. Therefore, an increase in this grant is well warranted.

Mr. Speaker, the measure would also increase from $5,000 to $6,000 the one-time grant for service-connected disabled veterans who suffer from bilateral blindness or the loss or loss of use of both upper extremities.

This grant has not been adjusted since its creation by the Congress in 1980. Since implementation, there have been 454 grants to blind veterans averaging $4,692 each and 23 grants to veterans who have lost or lost the use of both hands averaging $4,306. There have been, however, instances where the grant was not adequate to meet the needs of these severely disabled veterans. Accordingly, this grant should be increased to $6,000 so that this special category of veterans may also make all of the necessary adaptions to their homes.

This bill would also increase the maximum VA loan guaranty for a conventional home from $27,500 to $30,000.

Mr. Speaker, the VA home loan guaranty program is designed to make housing credit available to a veteran who may not otherwise be able to secure comparable home purchase financing from conventional sources. Assistance is provided chiefly through substituting the Government's guaranty on loans in lieu of the substantial downpayments, relatively short terms and other investment safeguards applicable to conventional mortgage transactions. Under current law, this guaranty may be applied to buying, building, or repairing a home, condominium, or manufactured housing, in some instances, in an amount not to exceed 60 percent of the loan or $27,500, whichever is less.

The following categories of individuals are currently entitled to a VA guaranty:

First, any veteran with 90 days or more of active duty service during World War II, the Korean conflict, or the Vietnam era.

Second, any veteran with 181 days or more of peacetime active-duty service. In the case of enlisted personnel initially entering service after September 7, 1980, the minimum active-duty service requirement for eligibility for any veterans' benefits—where such eligibility is based on length of service—is 24 months or a full tour of duty, whichever is less. Effective October 16, 1981, this provision applied to both officers and enlisted personnel.

Third, any such veteran with less than the requisite number of days of service who was discharged or released for a service-connected disability.

Fourth, the surviving spouse of any member of the Armed Forces listed for more than 90 days by the Department of Defense as missing in action or as a prisoner of war.

Furthermore, a veteran's entitlement to a loan guaranty can now be restored for use with a second mortgage, but only if all previous loans to the veteran guaranteed by the VA have been paid in full or have been assumed by another veteran willing to substitute his own entitlement for that of the original veteran-mortgagor.

VA housing programs have given four generations of veterans and their families the opportunity to realize the all-American dream—that of owning a home, putting down roots, and establishing community ties. GI home loans closed from the beginning of the program through fiscal year 1983 total 11,122,155 with an aggregate balance of $214.7 billion. Today, Vietnam-era veterans account for the majority of loans. During 1983, over 245,000 loans were guaranteed; and out of these, 46.4 percent were to Vietnam-era veterans.

Mr. Speaker, housing costs have risen over 24 percent since the last increase in guaranty in 1980. An increase in the VA home loan guaranty, therefore, will help to insure that the program will continue to fulfill the role that the Congress intended in helping veterans become homeowners.

In addition, this measure contains a provision to increase the maximum amount of guaranty available from the Veterans' Administration for a

loan for the purchase of a manufactured home from $20,000 to $22,000.

Mr. Speaker, as the cost of conventional housing increases, the VA manufactured home loan guaranty program is steadily becoming more popular as it offers the only affordable type of homeownership available to many veterans. This is evidenced by the fact that approximately 30 percent more manufactured housing loans were guaranteed in fiscal year 1983 than in fiscal year 1982. It has been 4 years since the guaranty was last increased, and the committee believes this increase is warranted based on rising manufactured housing costs.

Lastly, the bill would require that new grave markers in national cemeteries be upright except in specific instances where flat markers are requested by either the veteran or the survivors of the veteran.

Mr. Speaker, currently 70 percent of all markers being placed in national cemeteries are flat. The committee has received numerous complaints from areas subject to heavy snowfalls that flat markers are not visible for long periods of time, and this makes it difficult for survivors to find the graves of their loved ones. In addition, many veterans have commented that the use of flat markers constitutes a parklike atmosphere rather than the traditional symbolic soldiers' formation represented by upright markers. As national cemeteries commemorate the sacrifices of those who served, instituting an upright headstone policy will serve to enhance the dignity and beauty traditionally associated with our national cemeteries.

Mr. Speaker, it is not the committee's intention to restrict a veteran or his family to a particular type of grave marker. Provision, therefore, has been made to accord a choice by designating certain portions of national cemeteries for use of flat markers.

In order to maintain esthetic conformity in our national cemeteries, however, the Administrator has been given 90 days after the effective date of the bill, October 1, 1984, in which to designate such sections. This 90-day period also applies in reverse to national cemeteries which currently use flat markers and have no sections available for upright markers. It should be emphasized that during this period of time, the Administrator shall have discretionary authority to deny placement of either an upright or flat gravemarker if such denial is for the reason that in the cemetery in which the burial is to take place there is no section set aside for the specific type of grave marker requested.

Mr. Speaker, the committee intends this provision to be prospective for deaths occurring after September 30, 1984, and not retroactive as suggested by the Veterans' Administration in their report. At no time did the committee ever intend that all existing flat markets be removed and upright markers installed in their stead.

Mr. Speaker, this is not an expensive bill. The Congressional Budget Office has estimated its first year cost at $3.1 million.

It is a good bill which will benefit many veterans, and I urge that its provisions be adopted.

I would like to extend my thanks to the chairman of the full committee, the Honorable G. V. "SONNY" MONTGOMERY of Mississippi for his leadership in moving so quickly on this legislation. I also wish to express my appreciation to the ranking minority member of the subcommittee, the most capable Member from New Jersey, Mr. CHRIS SMITH, and to convey my gratitude to the distinguished gentleman from Arkansas, the ranking minority member of the full committee, Mr. JOHN PAUL HAMMERSCHMIDT, and to the gentleman from Ohio, Mr. BOB MCEWEN, who are always helpful.

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Mr. MCEWEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before the House, H.R. 5617, contains several provisions to increase veteran home loan guarantees, both for conventional homes and for manufactured homes. The bill also increases certain grants for blind and severely disabled veterans, and provides for upright markers in VA cemeteries. I support this measure, and yield to my colleague, Mr. SMITH of New Jersey, the ranking member of the Subcommittee on Compensation, Pension, and Insurance of the Veterans' Affairs Committee.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman from Ohio and commend him for his leadership today and for his active role as ranking member on the Subcommittee for Compensation, Pension, and Insurance.

Mr. Speaker, I join with my colleague, Mr. MCEWEN in support of H.R. 5617, and I extend to Mr. SHELBY, the distinguished chairman of the Subcommittee on Housing and Memorial Affairs, my appreciation for his leadership in bringing this measure to the floor.

Mr. Speaker, the portions of this bill addressing the need to adjust the Veterans' Administration home loan guarantees are long overdue. We are all aware that in the past 4 years, the cost of owning a house has steadily increased, rising above the abilities of many veterans to purchase a residence despite the VA's home loan program. This program has not had an adjustment since 1980, although by some measures, costs have climbed nearly 25 percent.

Clearly it is incumbent on this Congress to act to protect the homeownership rights of our veterans, and we can do so with passage of this bill.

Likewise, Mr. Speaker, this bill's provisions to increase the specially adapted housing grant from $32,500 to $35,500, and to increase from $5,000 to $6,000 the grant for blinded or upper extremity disabled veterans are good and vital provisions. Neither of these grants has received an adjustment to offset increasing needs over the past 3 to 4 years, respectively.

We owe much to those who have suffered catastrophic injuries in service to our country, and the measure before us goes some of the way toward recognizing that debt.

Finally, Mr. Speaker, the provision of the bill to direct the Veterans' Administration to place upright markers in the national cemeteries will restore some Veterans' cemeteries to a traditional and dignified appearance, and for those cemeteries that have never had upright markers this legislation will provide a link to that tradition and dignity.

I want to thank my colleague from Florida, Mr. BILIRAKIS, for his thoughtful and effective amendment that will allow families of veterans to have a choice of flat or upright markers without detracting from the visual grace of the cemeteries.

Again, Mr. Speaker, I want to commend the efforts of Chairman MONTGOMERY and the committee's ranking member, Mr. HAMMERSCHMIDT, as well as Mr. SHELBY. As always, they have worked in the true spirit of bipartisanship—for the benefit of our veterans.

Thank you, Mr. Speaker.

● Mr. HAMMERSCHMIDT. Mr. Speaker, the bill before the House, H.R. 5617, contains several provisions to improve the status of the Veterans' Administration home loan program with respect to the levels of loan guarantees accorded to veterans.

The VA home loan program has gone without cost adjustments for nearly 4 years, and in that period the costs of housing have significantly increased. If no action is take to alleviate the disparity, more and more veterans are going to find themselves short the necessary funds to purchase a house. This country has accorded the veterans the right to own a home at some advantage, but if they cannot meet even the Veterans' Administration's guarantee levels, our promise to them will indeed be hollow.

This bill seeks to right this inequity by increasing the minimum guarantee for conventional and manufactured housing, and increasing the grant levels for specially adapted housing and for blinded and upper extremity disabled veterans. These provisions reflect the good judgment of the subcommittee chairman, Mr. SHELBY, and I commend him and the subcommit-

tee's ranking member, Mr. SMITH of New Jersey for their efforts.

Mr. Speaker, in addition to these important provisions, H.R. 5617 also directs the Veterans' Administration to institute a policy of supplying upright grave markers in all national cemeteries. This will reverse a trend away from the current VA policy of flat markers, and reinstitute a look of dignity and honor so long associated with our national cemeteries. I wish to thank my colleague, Mr. BILIRAKIS, for his amendment which will allow veteran's and their families to maintain a choice of markers by creating separate sections for flat markers.

Thank you, Mr. Speaker.●

Mr. McEWEN. Mr. Speaker, I thank the gentleman from New Jersey for his contribution to this effort today, and for his fine remarks.

Mr. Speaker, this is one of the unique opportunities to express our appreciation to our colleagues, such as the chairman of the full committee, as I have expressed earlier, and also to the gentleman from Alabama (Mr. SHELBY), the chairman of the subcommittee. I support the legislation as it is before us, and I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I would like to thank the gentleman from Ohio for the kind remarks he has made, and also the gentleman from New Jersey (Mr. SMITH).

Mr. Speaker, I rise in strong support of this legislation, and I yield back the balance of my time.

● Mr. CORRADA. Mr. Speaker, Mr. Speaker, I rise in support of the Veterans' Housing Amendments of 1984 which increases the loan guaranty cap for the Veterans' Administration conventional and mobile home loans and the amount of certain grants, among other things.

The changes in the Veterans' Administration housing benefits programs proposed by this bill warrant our support. The measure provides a modest increase in conventional housing loans, mobile home loans and in grants for specially adopted housing for severely disabled veterans. The legislation also would increase the one-time grant for veterans who lost both upper extremities or eyesight for service-connected reasons.

I believe it is only fitting and just that we adjust veterans' benefits to reflect the economic realities of the time. Many of our veterans, specially those who suffer severe disabilities, depend on our being consistent and fair in paying back the enormous debt we owe to them. When things get tough for the average American, it gets even tougher for the disabled veterans. We must never forget their deeds and sacrifices nor should we forget their special needs.

In addition, purchasing a home, which is a dream of every American, is becoming more difficult, given the higher interest rates and higher selling prices that require much higher incomes to qualify. We must step in to help our veterans fulfill this dream; after all, we can dream about tomorrow thanks to them.

I urge my colleagues to vote in favor of this legislation.●

● Mr. DASCHLE. Mr. Speaker, I rise today in strong support of H.R. 5617. While there are many provisions of the bill which are praiseworthy, I would like to direct my remarks today to that section of the bill which resolves a controversial decision by the Veterans' Administration to prohibit upright grave markers in new sections of national cemeteries. When this decision was first brought to my attention, I shared the deep sense of disappointment felt by many veterans in my State, a sense that, in the name of some illusory efficiencies of maintenance operation, the Veterans' Administration was proposing an action which, both actually and symbolically, denigrated and reduced the honor and respect we owe to our deceased veterans.

Consequently, on November 18, 1982, I introduced a House resolution expressing the sense of the House that the Veterans' Administration renew its previous practice of providing upright memorial markers at the graves of veterans buried in national cemeteries. The bill before us today places that sense of the House into actual legislation, making an even stronger statement of purpose, and I applaud its inclusion.

The provision in H.R. 5617 requires that each grave marker provided by the VA in national cemeteries be upright, unless the survivors request that the deceased be buried in a section set aside for graves with flat markers and that the grave be marked with a flat marker.

This requirement is important for two reasons to veterans in my State, one of a practical nature and one of a symbolic nature. Practically, my State is subject to severe snowstorms, which would result in flat markers being covered and out of view for months at a time. This would work a real hardship on a deceased veteran's survivors, who would find it impossible to visit the gravesite for months at a time. But even more important, to my mind, is the symbolic reason. When this country called upon our veterans to serve, they did so proudly, and marched upright into whatever dangers they were ordered to in the firm belief that they served in the national interest.

It would be ironic, indeed, if we were to allow the memorials to these men, who stood so readily and proudly when their country needed them, to be toppled and laid flat for a theoretical saving which the Congressional Budget Office itself says "would not have a significant budgetary impact." I am proud of our veterans, and I am proud of this House's provisions allowing them a memorial in keeping with their upright performance of duty.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. MONTGOMERY) that the House suspend the rules and pass the bill, H.R. 5617, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

STATE JUSTICE INSTITUTE ACT OF 1983

Mr. KASTENMEIER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4145) to aid State and local governments in strengthening and improving their judicial systems through the creation of a State Justice Institute, as amended.

The Clerk read as follows:

H.R. 4145

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "State Justice Institute Act of 1984".

DEFINITIONS

SEC. 2. As used in this Act, the term—

(1) "Board" means the Board of Directors of the State Justice Institute;

(2) "Director" means the Executive Director of the State Justice Institute;

(3) "Governor" means the Chief Executive Officer of a State;

(4) "Institute" means the State Justice Institute established under section 3 of this Act;

(5) "recipient" means any grantee, contractor, or recipient of financial assistance under this Act;

(6) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States; and

(7) "Supreme Court" means the highest appellate court within a State or a constitutionally or legislatively established judicial council acting in place of that court for purposes of this Act.

ESTABLISHMENT OF INSTITUTE; DUTIES

SEC. 3. (a)(1) There is hereby established a private nonprofit corporation which shall be known as the State Justice Institute. The purpose of the Institute shall be to further the development and adoption of improved judicial administration in State courts in the United States.

(2) The Institute may be incorporated in any State, pursuant to section 4(a)(5) of this Act. To the extent consistent with the provisions of this Act, the Institute may exercise the powers conferred upon a nonprofit corporation by the laws of the State in which it is incorporated.

(b) The Institute shall, in accordance with this Act—

(1) direct a national program of assistance designed to assure each person ready access to a fair and effective system of justice by providing funds to—

(A) State courts;

(B) national organizations which support and are supported by State courts; and

(C) any other nonprofit organization that will support and achieve the purposes of this Act;

(2) foster coordination and cooperation with the Federal judiciary in areas of mutual concern;

(3) promote recognition of the importance of the separation of powers doctrine to an independent judiciary; and

(4) encourage education for judges and support personnel of State court systems through national and State organizations, including universities.

(c) The Institute shall not duplicate functions adequately performed by existing nonprofit organizations and shall promote, on the part of agencies of State judicial administration, responsibility for success and effectiveness of State court improvement programs supported by Federal funding.

(d) The Institute shall maintain its principal offices in the State in which it is incorporated and shall maintain therein a designated agent to accept service of process for the Institute. Notice to or service upon the agent shall be deemed notice to or service upon the Institute.

(e) The Institute, and any program assisted by the Institute, shall be eligible to be treated as an organization described in section 170(c)(2)(B) of the Internal Revenue Code of 1954 and as an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from taxation under section 501(a) of such Code. If such treatments are conferred in accordance with the provisions of such Code, the Institute, and programs assisted by the Institute, shall be subject to all provisions of such Code relevant to the conduct or organizations exempt from taxation.

(f) The Institute shall afford notice and reasonable opportunity for comment to interested parties prior to issuing any rule, regulation, guideline, or instruction under this Act, and it shall publish any such rule, regulation, guideline, or instruction in the Federal Register at least thirty days prior to its effective date.

BOARD OF DIRECTORS

SEC. 4. (a)(1) The Institute shall be supervised by a Board of Directors, consisting of eleven voting members to be appointed by the President, by and with the advice and consent of the Senate. The Board shall have both judicial and nonjudicial members, and shall, to the extent practicable, have a membership representing a variety of backgrounds and reflecting participation and interest in the administration of justice.

(2) The Board shall consist of—

(A) six judges, to be appointed in the manner provided in paragraph (3);

(B) one State court administrator, to be appointed in the manner provided in paragraph (3); and

(C) four members from the public sector, to be appointed in the manner provided in paragraph (4), no more than two of whom shall be of the same political party.

(3) The President shall make the initial appointments referred to in subparagraphs (A) and (B) from a list of candidates submitted to the President by the Conference of Chief Justices. Such list shall include at least fourteen individuals, including judges and State court administrators, whom the Conference considers best qualified to serve on the Board. Whenever the term of any of the members of the Board described in subparagraphs (A) and (B) terminates and that member is not to be reappointed to a new term, and whenever a vacancy otherwise occurs among those members, the President shall appoint a new member from a list of at least three qualified individuals submitted to the President by the Conference of Chief Justices. The President may reject any list of individuals submitted by the Conference under this paragraph and, if such a list is so rejected, the President shall request the Conference to submit to him another list of qualified individuals. Before consulting with or submitting any list to the President under this paragraph, the Conference of Chief Justices shall obtain and consider the recommendations of all interested organizations and individuals concerned with the administration of justice and the objectives of this Act.

(4) The President shall make the intitial appointments referred to in subparagraph (C) from a list of candidates submitted to the President by the majority and minority leaders of the House of Representatives and the Senate. Such list shall include at least twelve individuals. Whenever the term of any of the members of the Board described in subparagraph (C) terminates and that member is not to be reappointed to a new term, and whenever a vacancy otherwise occurs among those members, the President shall appoint a new member from a list of at least three individuals submitted to the President by the majority and minority leader of the House of Representatives, and the majority and minority leader of the Senate, who represent the political party of the member to be apointed to the Board. The President may reject any list of individuals submitted under this paragraph and, if such a list is so rejected, the President shall request the Members of Congress who submitted the first list to submit to him another list of qualified individuals.

(5) The President shall make the initial appointments of members of the Board under this subsection within ninety days after the date of the enactment of this Act. In the case of any other appointment of a member, the President shall make the appointment not later than ninety days after the previous term expires or the vacancy occurs, as the case may be. The lists of candidates referred to in paragraphs (3) and (4) shall be submitted in a timely manner so that the appointments can be made within the time periods specified in this paragraph.

(6) The initial members of the Board of Directors shall be the incorporators of the Institute and shall determine the State in which the Institute is to be incorporated.

(b)(1) Except as provided in paragraph (2), the term of each voting member of the Board shall be three years. Each member of the Board shall continue to serve until the successor of such member has been appointed and qualified.

(2) Five of the members first appointed by the President shall serve for a term of two years. Any member appointed to serve for an unexpired term resulting from the death, disability, retirement, or resignation of a member shall be appointed only for the remainder of such unexpired term, but shall be eligible for reappointment.

(3) The term of the initial members shall commence from the date of the first meeting of the Board, and the term of each member other than an initial member shall commence on the date of termination of the preceding term.

(c) No member shall be reappointed to more than two consecutive terms immediately following such member's initial term.

(d) Members of the Board shall serve without compensation, but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

(e) The members of the Board shall not, by reason of such membership, be considered officers or employees of the United States.

(f) Each member of the Board shall be entitled to one vote. A simple majority of the membership shall constitute a quorum for the conduct of business. The Board shall act upon the concurrence of a simple majority of the membership present and voting.

(g) The Board shall select a chairman from among the voting members of the Board. The first chairman shall serve for a term of three years, and the Board shall thereafter annually elect a chairman from among its voting members.

(h) A member of the Board may be removed by a vote of seven members for malfeasance in office, persistent neglect of or inability to discharge the duties of the office, or for any offense involving moral turpitude, but for no other cause.

(i) Regular meetings of the Board shall be held quarterly. Special meetings shall be held from time to time upon the call of the chairman, acting at this discretion to pursuant to the petition of any seven members.

(j) All meetings of the Board, any executive committee of the Board, and any council established in connection with this Act, shall be open and subject to the requirements and provisions of section 552b of title 5, United States Code, relating to open meetings.

(k) In its direction and supervision of the activities of the Institute, the Board shall—

(1) establish such policies and develop such programs for the Institute as will further the achievement of its purpose and the performance of its functions;

(2) establish policy and funding priorities and issue rules, regulations, guidelines, and instructions pursuant to such priorities;

(3) appoint and fix the duties of the Executive Director of the Institute, who shall serve at the pleasure of the Board and shall be a nonvoting ex officio member of the Board;

(4) present, to government departments, agencies, and instrumentalities the programs or activities of which relate to the administration of justice in the State judiciaries of the United States, the recommendations of the Institute for the improvement of such programs or activities.

(5) consider and recommend to both public and private agencies aspects of the operation of the State courts of the United States considered worthy of special study; and

(6) award grants and enter into cooperative agreements or contracts pursuant to section 6(a) of this Act.

OFFICERS AND EMPLOYEES

SEC. 5. (a)(1) The Director, subject to general policies established by the Board, shall supervise the activities of persons employed by the Institute and may appoint and remove such employees as he determines necessary to carry out the purposes of the Institute. The Director shall be responsible for the executive and administrative oper-

ations of the Institute, and shall perform such duties as are delegated to such Director by the Board and the Institute.

(2) No political test or political qualification shall be used in selecting, appointing, promoting, or taking any other personnel action with respect to any officer, agent, or employee of the Institute, or in selecting or monitoring any recipient.

(b) Officers and employees of the Institute shall be compensated at rates determined by the Board, but not in excess of the rate basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(c)(1) Except as otherwise specifically provided in this Act, the Institute shall not be considered a department, agency or instrumentality of the Federal Government.

(2) This section does not limit the authority of the Office of Management and Budget to review and submit comments upon the Institute's annual budget request at the time it is transmitted to the Congress.

(d)(1) Except as provided in paragraph (2), officers and employees of the Institute shall not be considered officers or employees of the United States.

(2) Officers and employees of the Institute shall be considered officers and employees of the United States solely for the purposes of the following provisions of title 5, United States Code: subchapter I of chapter 81 (relating to compensation for work injuries); chapter 83 (relating to civil service retirement); chapter 87 (relating to life insurance); and chapter 89 (relating to health insurance). The Institute shall make contributions under the provisions referred to in this subsection at the same rates applicable to agencies of the Federal Government.

(e) The Institute and its officers and employees shall be subject to the provisions of section 552 of title 5, United States Code, relating to freedom of information.

GRANTS AND CONTRACTS

SEC. 6. (a) The Institute is authorized to award grants and enter into cooperative agreements or contracts, in a manner consistent with subsection (b), in order to—

(1) conduct research, demonstrations, or special projects pertaining to the purposes described in this Act, and provide technical assistance and training in support of tests, demonstrations, and special projects;

(2) serve as a clearinghouse and information center, where not otherwise adequately provided, for the preparation, publication, and dissemination of information with respect to State judicial systems;

(3) participate in joint projects with government agencies, including the Federal Judicial Center, with respect to the purposes of this Act;

(4) evaluate, when appropriate, the programs and projects carried out under this Act to determine their impact upon the quality of criminal, civil, and juvenile justice and the extent to which they have met or failed to meet the purposes and policies of this Act;

(5) encourage and assist in the furtherance of judicial education;

(6) encourage, assist, and serve in a consulting capacity to State and local justice system agencies in the development, maintenance, and coordination of criminal, civil, and juvenile justice programs and services; and

(7) be responsible for the certification of national programs that are intended to aid and improve State judicial systems.

(b) The Institute is empowered to award grants and enter into cooperative agreements or contracts as follows:

(1) The Institute shall give priority to grants, cooperative agreements, or contracts with—

(A) State and local courts and their agencies;

(B) national nonprofit organizations controlled by, operating in conjunction with, and serving the judicial branches of State governments; and

(C) national nonprofit organizations for the education and training of judges and support personnel of the judicial branch of State governments.

(2) The Institute may, if the objective can better be served thereby, award grants or enter into cooperative agreements or contracts with—

(A) other nonprofit organizations with expertise in judicial administration;

(B) institutions of higher education;

(C) individuals, partnerships, firms, or corporations; and

(D) private agencies with expertise in judicial administration.

(3) Upon application by an appropriate Federal, State, or local agency or institution and if the arrangements to be made by such agency or institution will provide services which could not be provided adequately through nongovernmental arrangements, the Institute may award a grant or enter into a cooperative agreement or contract with a unit of Federal, State, or local government other than a court.

(4) Each application for funding by a State or local court shall be approved, consistent with State law, by the State's Supreme Court, or its designated agency or council, which shall receive, administer, and be accountable for all funds awarded by the Institute to such State or local court.

(c) Funds available pursuant to grants, cooperative agreements, or contracts awarded under this section may be used—

(1) to assist State and local court systems in establishing appropriate procedures for the selection and removal of judges and other court personnel and in determining appropriate levels of compensation;

(2) to support education and training programs for judges and other court personnel, for the performance of their general duties and for specialized functions, and to support national and regional conferences and seminars for the dissemination of information on new developments and innovative techniques;

(3) to conduct research on alternative means for using nonjudicial personnel in court decisionmaking activities, to implement demonstration programs to test innovative approaches, and to conduct evaluations of the effectiveness of such programs;

(4) to assist State and local courts in meeting requirements of Federal law applicable to recipients of Federal funds;

(5) to support studies of the appropriateness and efficacy of court organizations and financing structures in particular States, and to enable States to implement plans for improved court organization and finance;

(6) to support State court planning and budgeting staffs and to provide technical assistance in resource allocation and service forecasting techniques;

(7) to support studies of the adequacy of court management systems in State and local courts and to implement and evaluate innovative responses to problems of record management, data processing, court personnel management, reporting and transcription of court proceedings, and juror utilization and management;

(8) to collect and compile statistical data and other information on the work of the courts and on the work of other agencies which relate to and affect the work of the courts;

(9) to conduct studies of the causes of trial and appellate court delay in resolving cases and to establish and evaluate experimental programs for reducing case processing time;

(10) to develop and test methods for measuring the performance of judges and courts and to conduct experiments in the use of such measures to improve the functioning of such judges and courts;

(11) to support studies of court rules and procedures, discovery devices, and evidentiary standards, to identify problems with the operation of such rules, procedures, devices, and standards, to devise alternative approaches to better reconcile the requirements of due process with the needs for swift and certain justice, and to test the utility of those alternative approaches;

(12) to support studies of the outcomes of cases in selected subject matter areas to identify instances in which the substance of justice meted out by the courts diverges from public expectations of fairness, consistency, or equity, to propose alternative approaches to the resolving of cases in problem areas, and to test and evaluate those alternatives;

(13) to support programs to increase court responsiveness to the needs of citizens through citizen education, improvement of court treatment of witnesses, victims, and jurors, and development of procedures for obtaining and using measures of public satisfaction with court processes to improve court performance;

(14) to test and evaluate experimental approaches to providing increased access by citizens to justice, including processes which reduce the cost of litigating common grievances and alternative techniques and mechanisms for resolving disputes between citizens; and

(15) to carry out such other programs, consistent with the purposes of this Act, as may be considered appropriate by the Institute.

(d) The Institute shall incorporate, in any grant, cooperative agreement, or contract awarded under this section in which a State or local judicial system is the recipient, the requirement that the recipient provide a matching amount, from private or public sources, of not less than 25 per centum of the total cost of such grant, cooperative agreement, or contract, except that such requirement may be waived in exceptionally rare circumstances upon the approval of the chief justice of the Supreme Court of the State and a majority of the Board.

(e) The Institute shall monitor and evaluate, or provide for independent evaluations of, programs supported in whole or in part under this Act to insure that the provisions of this Act, the bylaws of the Institute, and the applicable rules, regulations, and guidelines promulgated under this Act, are carried out.

(f) The Institute shall provide for an independent study of the financial and technical assistance programs under this Act.

LIMITATIONS ON GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS

SEC. 7. (a) With respect to grants made and contracts or cooperative agreements entered into under this act, the Institute shall—(1) insure that no funds made avail-

able by the Institute to a recipient shall be used at any time, directly or indirectly, to influence the issuance, amendment, or revocation of any Executive order or similar promulgation by any Federal, State, or local agency, or to undertake to influence the passage or defeat of any legislation or constitutional amendment by the Congress of the United States, or by any State or local legislative body, of any State proposal by initiative petition, or of any referendum, except to the extent that a governmental agency, or legislative body or a committee or member thereof—

(A) requests personnel of the recipient to testify, draft, or review measures or to make representations to such agency, body, committee, or member; or

(B) is considering a measure directly affecting the activities under this Act of the recipient or the Institute;

(2) insure all personnel engaged in activities supported in whole or part by funds made available by the Institute under this Act refrain, while so engaged, from any partisan political activity; and

(3) insure that each recipient that files with the Institute a timely application for refunding is provided interim funding necessary to maintain its current level of activities until—

(A) the application for refunding has been approve and funds pursuant thereto received; or

(B) the application for refunding has been finally denied in accordance with section 9 of this Act.

(b) No funds made available by the Institute under this Act may be used to support or conduct training programs for the purpose of advocating particular nonjudicial public policies or encouraging nonjudicial political activities.

(c) The authority to enter into cooperative agreements, contracts, or any other obligations under this Act shall be effective only to such extent, and in such amounts, as are provided in advance in appropriation Acts.

(d) To insure that funds made available under this Act are used to supplement and improve the operation of State courts, rather than to support basic court services, funds shall not be used—

(1) to supplant State or local funds currently supporting a program or activity; or

(2) to construct court facilities or structures, except (A) to remodel existing facilities to demonstrate new architectural or technological techniques, or (B) to provide temporary facilities for new personnel or for personnel involved in a demonstration or experimental program.

RESTRICTIONS ON ACTIVITIES OF THE INSTITUTE

SEC. 8. (a) The Institute shall not—

(1) participate in litigation unless the Institute or a recipient of the Institute is a party in the litigation, and shall not participate on behalf of any client other than itself;

(2) interfere with the independent nature of any State judicial system or allow financial assistance to be used for the funding of regular judicial and administrative activities of any State judicial system other than pursuant to the terms of any grant, cooperative agreement, or contract with the Institute, consistent with the requirements of this Act; or

(3) undertake to influence the passage or defeat of any legislation by the Congress of the United States or by any State or local legislative body, except that personnel of the Institute may testify or make other appropriate communication—

(A) when formally requested to do so by a legislative body or a committee or member thereof;

(B) in connection with legislation or appropriations directly affecting the activities of the Institute; or

(C) in connection with legislation or appropriations dealing with improvements in the State judiciary, consistent with the provisions of this Act.

(b)(1) The Institute shall have no power to issue any shares of stock, or to declare or pay any dividends.

(2) No part of the income or assets of the Institute shall inure to the benefit of any director, officer, or employee of the Institute, except as reasonable compensation for services or reimbursement for expenses.

(3) Neither the Institute nor any recipient shall contribute or make available Institute funds or program personnel or equipment to any political party or association, or to the campaign of any candidate for public or party office.

(4) The Institute shall not contribute or make available Institute funds or program personnel or equipment for use in advocating or opposing any ballot measure, initiative, or referendum, except that which deals with improvement of the State judiciary, consistent with the purposes of this Act.

(c) Officers and employees of the Institute or of recipients shall not at any time intentionally identify the Institute or the recipient with any partisan or nonpartisan political activity associated with a political party or association, or with the campaign of any candidate for public or party office.

SPECIAL PROCEDURES

SEC. 9. The Institute shall prescribe procedures to insure that—

(1) financial assistance under this Act shall not be suspended unless the recipient of such financial assistance has been given reasonable notice and opportunity to show cause why such action should not be taken; and

(2) financial assistance under this Act shall not be terminated, an application for refunding shall not be denied, and a suspension of financial assistance shall not be continued for longer than thirty days, unless the recipient involved has been afforded reasonable notice and opportunity for a timely, full, and fair hearing. When requested, such hearing shall be conducted by an independent hearing examiner appointed by the Institute in accordance with procedures established in regulations promulgated by the Institute.

PRESIDENTIAL COORDINATION

SEC. 10. The President may, to the extent not inconsistent with any other law, direct that appropriate support functions of the Federal Government may be made available to the Institute in carrying out its functions under this Act.

RECORDS AND REPORTS

SEC. 11. (a) The Institute is authorized to require such reports as it considers necessary from any recipient with respect to activities carried out pursuant to this Act.

(b) The Institute is authorized to prescribe the keeping of records with respect to funds provided under any grant, cooperative agreement, or contract under this Act, and shall have access to such records at all reasonable times for the purpose of insuring compliance with such grant, cooperative agreement, or contract or the terms and conditions upon which the funds were provided.

(c) Copies of all reports pertinent to the evaluation, inspection, or monitoring of any recipient shall be submitted on a timely basis to such recipient, and shall be maintained in the principal office of the Institute for a period of at least five years after such evaluation, inspection, or monitoring. Such reports shall be available for public inspection during business hours, and copies shall be furnished, upon request, to interested parties upon payment of such reasonable fees as the Institute may establish.

(d) Non-Federal funds received by the Institute, and funds received for projects funded in part by the Institute or by any recipient from a source other than the Institute, shall be accounted for and reported as recipients and disbursements separate and distinct from Federal funds.

AUDITS

SEC. 12. (a)(1) The accounts of the Institute shall be audited annually. Such audits shall be conducted in accordance with generally accepted auditing standards by independent certified public accountants who are certified by an appropriate regulatory authority of the jurisdiction in which the audit is undertaken.

(2) Any audits under this subsection shall be conducted at the place or places where the accounts of the Institute are normally kept. The person conducting the audit shall have access to all books, accounts, financial records, reports, files, and other papers or property belonging to or in use by the Institute and necessary to facilitate the audit. The full facilities for verifying transactions with the balances and securities held by depositories, fiscal agents, and custodians shall be afforded to any such person.

(3) The report of the annual audit shall be filed with the General Accounting Office and shall be available for public inspection during business hours at the principal office of the Institute.

(b)(1) In addition to the annual audit, the financial transactions of the Institute for any fiscal year during which Federal funds are available to finance any portion of its operations may be audited by the General Accounting Office in accordance with such rules and regulations as may be prescribed by the Comptroller General of the United States.

(2) Any audit under this subsection shall be conducted at the place or places where accounts of the Institute are normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, financial records, reports, files, and other papers or property belonging to or is use by the Institute and necessary to facilitate the audit. The full facilities for verifying transactions with the balances and securities held by depositories, fiscal agents, and custodians shall be afforded to such representatives. All such books, accounts, financial records, reports, files, and other papers or property of the Institute shall remain in the possession and custody of the Institute throughout the period beginning on the date such possession or custody commences and ending three years after such date, but the General Accounting Office may require the retention of such books, accounts, financial records, reports, files, and other papers or property for a longer period under section 3523(c) of title 31, United States Code.

(3) A report of each audit under this subsection shall be made by the Comptroller

General to the Congress and to the Attorney General, together with such recommendations with respect thereto as the Comptroller General considers advisable.

(c)(1) The Institute shall conduct an annual fiscal audit of each recipient, or require each recipient to provide for such an audit of that recipient. The report of each such audit shall be maintained for a period of at least five years at the principal office of the Institute.

(2) The Institute shall submit to the Comptroller General of the United States copies of audits conducted of recipients under this subsection, and the Comptroller General may, in addition, inspect the books, accounts, financial records, files, and other papers or property belonging to or in use by recipients which relate to the disposition or use of funds received from the Institute. Such audit reports shall be available for public inspection during business hours, at the principal office of the Institute.

AUTHORIZATION OF APPROPRIATIONS

SEC. 13. There are authorized to be appropriated to carry out the provisions of this Act not to exceed $20,000,000 for the fiscal year ending September 30, 1985, not to exceed $25,000,000 for the fiscal year ending September 30, 1986, and not exceed $25,000,000 for the fiscal year ending September 30, 1987.

EFFECTIVE DATE

SEC. 14. The provisions of this Act shall take effect on October 1, 1984.

The SPEAKER pro tempore. Is a second demanded?

Mr. MOORHEAD. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. KASTENMEIER) will be recognized for 20 minutes and the gentleman from California (Mr. MOORHEAD) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. KASTENMEIER).

Mr. KASTENMEIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this afternoon, I bring before the House three bills all designed to improve the administration of justice in this country. The three bills are: H.R. 4145, the State Justice Institute Act of 1983; H.R. 4307, the Criminal Justice Act Revision of 1984; and H.R. 4249, the U.S. Marshals Service and Witness Security Reform Act of 1983.

Although debate occurs now on the first of the three bills—State Justice Institute—I mention all three at this time because, considered together, they provide a rational and consistent approach to improving judicial machinery, especially as it relates to the criminal justice system. The State Justice Institute proposal, by assisting State courts to improve themselves, will have a positive effect on the disposition of all cases at the State level. Any argument that there is no relationship between the State Justice Institute and the need to fight crime can easily be put to rest. In a letter, July 29, 1981, to Chairman PETER W. RODINO, Assistant Attorney General Robert A. McConnell stated:

> The administration has identified violent crime as an area of priority concern. . . . The State Justice Institute proposal does have some general relationship to this priority, since many of the projects funded by the Institute would presumably contribute, directly or indirectly, to improvement of the ability of the State courts to deal with violent crime, and crime in general.

The plain fact is that the vast bulk of criminal litigation in this country is handled by State courts. As aptly observed by a justice on my own supreme court, Shirley S. Abrahamson:

> The everyday burglar, robber, rapist, or murderer has violated State law and is tried in State court. Indeed, the bulk of all litigation in this country, civil or criminal, is handled by State courts.

Two other bills to follow will also improve the criminal justice system. Criminal justice act improvements will assist criminal trial attorneys who accept court appointments to defend individuals who are indigent. The Witness Security Act improvements will improve the treatment of individuals who testify on behalf of the Government, usually in organized crime cases.

Parenthetically, I might add that this week, my subcommittee will terminate hearings and then mark up a bill to reform the Federal bail laws. Hopefully, legislation will be processed to improve the system by which courts determine under what conditions defendants shall be released on bail.

Mr. Speaker, I present to you this overview because it is obvious that our criminal justice system is a total ecology. Like a calm pond which has just had a stone thrown into it, the justice system reverberates throughout when a specific judicial reform occurs. For example, the correctional system is the recipient of statutory revisions that occur relating to the prosecution or investigation of crimes. By improving the Criminal Justice Act, we will concomitantly improve the quality of legal representation, thereby reducing the number of collateral lawsuits for incompetent counsel. Improvements to the State courts will result in lowering the burdens on the Federal courts.

The three bills that I bring before the House, and the fourth, bail reform, to be presented later, present a unified approach to problems in our justice system. Considered together, if all of these bills are enacted into law, the net result will be substantial improvements to the delivery of justice nationwide, a more effective criminal justice system, and better relations between State and Federal courts. With this background in mind, let me now turn to discussion of the State Justice Institute Act of 1983 (H.R. 4145).

Mr. Speaker, I bring before the full House a piece of legislation that has received broad-based and bipartisan support from individuals and organizations interested in improving the administration of justice in both the State and Federal judicial systems: the "State Justice Institute Act of 1983."

I am gratified that this important piece of legislation has been cosponsored by a diverse group of 42 Members of the House of Representatives, including 18 members of the House Judiciary Committee. I specifically would like to thank the ranking minority member of my subcommittee (Mr. MOORHEAD), my chairman (Mr. RODINO), and the ranking minority member of the full committee (Mr. FISH). Also on the bill are Mr. MAZZOLI, Mr. KINDNESS, Mr. FRANK, Mrs. SCHROEDER, Mr. SYNAR, Mr. HYDE, Mr. SAWYER, Mr. GLICKMAN, Mr. MORRISON, Mr. BERMAN—all members of my subcommittee.

Equally important is the fact that H.R. 4145 is strongly supported by the chief justices of each and every State, including the District of Columbia and Guam; the voicepiece of the State judiciaries (the Conference of Chief Justices); the Conference of State Court Administrators; the American Bar Association; the Judicial Conference of the United States; the National State Directors of Law Enforcement Training; the National Association of Women Judges; the National Center for State Courts; the Institute for Court Management; the National Judicial College; and other notable organizations and individuals—including former ABA President Morris Harrel, and Chief Justice Warren E. Burger. The bill has passed the Senate unanimously during the past two Congresses and this Congress bill (S. 645) is cosponsored by Senators THURMOND, DOLE, and HEFLIN, and is presently pending on the Senate floor.

H.R. 4145 authorizes the creation of a State Justice Institute to administer a national program for the improvement of State court systems. In keeping with the doctrines of federalism and separation of powers between the three coordinate branches of government, the Institute would be an independent federally chartered entity accountable to Congress for its general authority but under the direction of State judicial officers as to specific programs, priorities, and operating policies.

The goal of the legislation is to assist States in developing and maintaining judicial systems that are accessible, efficient, and just. The Institute will do this: First, by bringing minimal national and financial resources to bear on problems that affect State courts nationally, but are beyond the resources of individual States; and second, by providing a mechanism through which the Congress can appropriately consider the role of State

courts when legislating on issues impacting on both the Federal and State judicial systems.

The legislation is premised on the belief that improvement in the quality of justice administered by the States is not only a goal of fundamental importance in itself but will contribute significantly to important Federal objectives, including reduced rate of growth in the caseload of the Federal judicial system and less crime in our society.

In pursuit of these goals, the legislation authorizes the expenditure of $20 million in fiscal year 1985, $25 million in fiscal year 1986, and $25 million in fiscal year 1987. The latter two figures—set by Senator GRASSLEY's floor amendment in the Senate and acceptable to me and the Committee on the Judiciary—reflect a desire to level off funding at a modest amount rather than to constantly increase the funds authorized. As to the need for the legislation, it is appropriate to paraphrase the remarks of a spokesman for the State court systems (Robert Utter, Justice, Supreme Court of Washington) who appeared before my subcommittee. Despite the growth of the Federal court system, State courts remain the courts that touch our citizens most intimately and most frequently, be it in the civil or criminal context. It is from their experiences in State courts as litigants, jurors, witnesses, or spectators that the vast majority of our citizens make their judgments as to the strengths, weaknesses, and fairness of our judicial system. To the average citizen, it matters little whether the court is Federal or State. His concern is with the fairness and effectiveness of the judicial process.

Justice William Brennan has echoed this view by stating that "the very lifeblood of courts is popular confidence that they mete out evenhanded justice * * *" It has been the very deep concern of State chief justices for the improvement of their own systems that has led the Conference of State Chief Justices to propose the creation of a State Justice Institute. It is this same concern that has prompted the Chief Justice of the United States, Hon. Warren E. Burger, to write in support of creation of a State Justice Institute: "* * * we cannot rest upon our laurels and do nothing in preparation for the future. More, rather than less, needs to be done—especially in the area of improving the State court systems which generally have been undersupported."

I join with the Chief Justice, the chief justices of every State and territory, and my fellow supporters here in the House, in asking for an affirmative vote on creation of a State Justice Institute.

Mr. Speaker, I reserve the balance of my time.

□ 1320

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to commend the chairman and members of the Subcommittee on Courts, Civil Liberties, and the Administration of Justice for their work on H.R. 4145, the State Justice Institute Act.

In assessing the need for this legislation, I think it is important to keep in mind that our system of justice is indivisible, in that State courts share with Federal courts the responsibility for enforcing the rights and duties of the Constitution and laws of the United States. In fact, over 96 percent of all the cases tried in the United States are handled by the State courts. Many of these cases are the result of Federal policies and decisions. I think it is clear that the Federal Government has a legitimate interest in strengthening and improving the State courts.

During the debate on legislation to abolish diversity, opponents often argued that it was necessary to preserve diversity, because the State courts were inadequate forums for such cases. Regardless of whether or not one accepts the validity of that argument, the State Justice Institute, by providing financial and technical assistance to the State courts, has the potential for making it feasible to return diversity cases to them. This would result in a significant reduction in the workload of the Federal courts and a substantial reduction in the expenditure required for their operation.

As the Chief Justice of the United States has noted:

We must avoid any situation in which Federal courts are pressured to become a refuge for citizens who seek a Federal forum, not because their claim is of a truly Federal nature, but because State courts are inadequate. Should our people ever lose confidence in their State courts, not only will our Federal courts become more and more overburdened, but a pervasive lack of confidence in all courts will develop.

Last Congress, the Department of Justice testified before the Courts Subcommittee that they supported the concept of a State Justice Institute, but were opposed to the legislation for budgetary reasons. However, at the end of the last Congress, the Department of Justice indicated that they would support the State Justice Institute proposal as part of a bankruptcy reform package. This Congress, the Courts Subcommittee, on June 5, 1983, requested a report from the Department of Justice on H.R. 4145. Moreover, the Department was invited to testify on the legislation but declined to do so indicating that they had no position. It was not until this morning that we learned that the Department is opposed to the bill on the basis that it "addresses problems that are more appropriately addressed by the States and which are not the responsibility of the Federal Government."

It is important to note that legislation similar to H.R. 4145 has passed the Senate in the last two Congresses, without opposition. Moreover, 43 Members of the House have cosponsored H.R. 4145 which is carefully structured to facilitate improvement in and access to the State courts. This is clearly in the national interest and, accordingly, I urge my colleagues' support for the legislation.

Mr Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, I would first like to ask the distinguished gentleman from California about the costs of the third bill on the list, which is the U.S. Marshal's Service and Witness Security Reform Act.

I note that there is no CBO cost estimate, or none was available last week. Is there an estimate available at this time?

Mr. MOORHEAD. If the gentleman will yield, there is in part on the U.S. Marshal's Service and Witness Security Reform Act, which I have not discussed as yet, but which was vaguely discussed by the chairman, the cost would be $2 million of the victims' protection. As far as the cost for the child custody provisions, which would require some assistance in providing visitations for the innocent family member, whether it be the wife, or it could be the husband who did not have custody, the cost has not been projected, but it should not be anything too great.

□ 1330

The legislation would require that the Marshal's Service get the child together with the natural parent on occasion because of the separation that was really brought about by the Federal Government. It is only fair play that a parent have the right to visit the child and the Federal Government should not be able to deny that right.

Mr. FRENZEL. Mr. Speaker, I thank the gentleman.

May I inquire further, has the Congress ever passed a victims' compensation payment before?

Mr. MOORHEAD. I know of none. In fact, in this particular case I very strongly support an amendment which would have taken the victims' compensation portion out of this bill because I felt that we should approach it in a comprehensive way rather than in a piecemeal way. But the majority of the committee voted against my position, feeling that because the Federal Government places the person who may have committed crimes before in the Witness Protection Act they owe a greater responsibility to the communi-

ty and to people who might be the victims of their behavior.

Mr. FRENZEL. Mr. Speaker, I thank the gentleman, and I commend him for his position.

Mr. Speaker, I am not a lawyer. I, therefore, speak to these bills from a base of fundamental ignorance, and yet when I look at them, it seems to me that this is a rather important trio of bills to be considered under the suspension process. I had hoped that we had long ago decided we would consider neither expensive nor basic policy bills under suspension.

I notice in the first bill, H.R. 4145, that that bill, at least in some of the discussion, seems to want to pick up where LEAA, which this Congress repealed, left off.

The SPEAKER pro tempore. The time of the gentleman from Minnesota (Mr. FRENZEL) has expired.

Mr. MOORHEAD. Mr. Speaker, I yield 2 additional minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, the basis for passing that bill seems to be that the Conference of Chief Justices wanted it, and I am not surprised, of course, that the States would want some money from the Federal Government. I am not so sure that the Federal taxpayers, however, should be making these kinds of expenditures for another court system.

I regret, as the gentleman from California does, that the Department of Justice did not testify and certainly blew its position early in the game, making it very difficult for the rest of us to ride on whatever criticism it later produces. I do notice that is a $58 million expenditure for the taxpayers over the next 3 years, and it is one that in my judgment is at least questionable. Somebody ought to question it, and I do question it here.

The second bill, H.R. 4307, the Justice Act revision, seems to raise the compensation of attorneys. I suppose everybody needs a raise, and it is good to have people who can make a reasonable defense. Nevertheless, I think that is one that ought to come to the consideration of the House, and it ought to be able to stand the scrutiny of debate and amendment. I am disappointed that that bill, which is in excess of $60 million over the next 3 years, is also going to be handled under this bobtail procedure.

The final bill I have already discussed with the gentleman from California. The victims' compensation feature is a terribly important one. This Congress has never seen fit pass one. Now it is being thrown along with a different kind of vehicle to carry it in a very shortened and partial form. In my judgment, the Congress should make a decision on victims' compensation all in one lump, and my guess is that it could not pass in that way.

I am sorry that there is no estimate for the other features of the bill. I suspect that the cost is quite high.

Mr. Speaker, I realize that those of us who do not serve on the committee nor have legal expertise are somewhat at a disadvantage, and I feel constrained to vote against all three of the bills.

Mr. MOORHEAD. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. KINDNESS).

Mr. KINDNESS. Mr. Speaker, I thank the gentleman for yielding this time to me.

I would like to contribute what I can to the discussion of the three bills together since they do have a relationship which has been brought out in the discussion up to this point, and perhaps we can in so doing most intelligently deal with all three bills.

I think it is, of course, interesting to put into context what the Department of Justice has done in this situation. As an institution, I think we have suffered a bit at the hands of the Department of Justice once again, but I think we will survive. The Department of Justice seeks to confuse matters every now and then on bills like these, and I think it is regrettable. But perhaps they are a little bit rudderless at the moment, and perhaps that accounts for some or all of their problems, although they seem to be of a continuing nature.

First, let us go to the State Justice Institute bill, which is the first of the three bills. I think the position of the Department of Justice in the past on the State Justice Institute has been that they supported the concept, as has been pointed out here, but they opposed the legislation primarily for budgetary reasons. This is a matter of saying that, well, it was not clear in the first instance whether it was the Department of Justice or the Office of Management and Budget that had the stronger voice in the administration in regard to this matter, I suppose.

What it really turns out to be, though, is that the idea is a good idea. Policy is determined by the vote of the legislative branch of our Government, and the President either concurs or does not in those decisions. I think it is completely outside of the Department of Justice to have much to say about the matter at this late date. So I kind of put their views on this particular bill completely aside and say that we should pass this bill because it is needed and it is appropriate. It is indeed something that ought to be pursued, and the prompt action by this House, along with the other body, which is moving in the same direction, would lead us in a very constructive direction. It is very much needed.

How often do we hear people complain about the trend of justice, particularly criminal justice, in the States of our United States? Quite frequently. People will complain sometimes about their perception of what is happening in the Federal courts, but most frequently what they are really saying is, "I wonder if I can have confidence in the way things are being handled in the State courts throughout this country. We are getting a trend of decisions I don't like," or what have you.

The State Justice Institute is one tool that can be used to help improve upon the administration of justice in criminal matters in the State courts, and I think it is very important that that stimulus be given from the Federal level.

As for the other two bills, the Criminal Justice Act revision is a bill where an adjustment is being made, and there has been no adjustment since 1970. I think it is very important that there be a realistic adjustment in the fees that are provided to those who are burdened with providing criminal representation to defendants in the Federal court system.

In August 1983, the Department of Justice said that such a measure was long overdue. Well, it is just 1 year longer overdue now, and I think it is appropriate for this House to act. I would certainly urge that that bill be supported, too.

As to H.R. 4249, the U.S. Marshals Service and Witness Security Reform Act, which has gotten, I suppose, the most discussion here, it is one area in the view of some of us—and perhaps it would be the majority of us when we have discussion in debate—where victims ought to be compensated. Victims clearly ought to be compensated for injuries incurred as a result of a Federal program.

□ 1340

I do not happen to believe that the Federal Government ought to get into the business of compensating victims of crime on a wholesale basis. I do feel that those victims of crime who find themselves in that position with no one they can go against, only because the Federal Government is operating a program of witness protection, giving secret identities to people and putting them in a new community and a new location and so on, where they are pretty much free to do what they will, and that includes wrong as well as right, and some people are likely to be injured thereby. That is the kind of circumstance in which the victim really ought to have some compensation when injured as a result of the operation of that program.

The alternative to that, of course, is to do away with the witness protection program and some of us would really rather see that. The business of protecting Federal witnesses who will testify against organized crime figures ordinarily is what we are taking about.

Give them a new identity, a new location to live and put them away someplace until they testify and thereafter have a secure life. If you are going to have that kind of program, it seems to me that you have also got to protect those people who are innocent bystanders and are injured or damaged by it.

The liability is limited to a fund of $2 million.

We are not creating a food stamp program here. I think it is regrettable that the Department of Justice does not see fit to support all three of these bills, but in the absence of their support, I would urge that the House exercise its judgment in an affirmative fashion. All three bills deserve our support.

● Mr. FISH. Mr. Speaker, in endorsing H.R. 4145, the State Justice Institute Act, I would like to point out that Federal funding for State courts has been provided through LEAA since 1968. As Prof. Dan Meador, the former head of the Office for Improvements in the Administration of Justice pointed out in prior testimony before the Courts Subcommittee:

> The first—and perhaps the most important thing—to be said about this proposal is that it does not represent any new or radical departure from already established Federal—State relationships. The State Justice Institute—far from incorporating any new concepts or creating any new Federal monetary program—would simply represent an improved, sounder, and more efficient means of providing fiscal support to the efforts of the State judiciaries. . . .

The State Justice Institute Act was drafted by the Conference of Chief Justices and Conference of State Court Administrators in an effort to address the problems that were encountered under LEAA such as separation of powers issues. I am confident that the current proposal will be successful in avoiding these problems. Moreover, the State Justice Institute Act will provide a valuable mechanism to aid Congress in their consideration of legislation that impacts on State court jurisdiction.

I would like to commend the Conference of Chief Justices as well as the members of the Subcommittee on Courts, Civil Liberties, and the Administration of Justice for their work on H.R. 4145 and especially note the yeoman efforts of Lawrence Cook, chief judge of the State of New York, on behalf of the legislation. H.R. 4145 is a solid proposal and I urge its adoption.●

● Mr. McGRATH. Mr. Speaker, I rise today in support of H.R. 4145, the State of Justice Institute Act. This legislation represents the most valuable effort made by this body to aid State and local governments in strengthening and improving their judicial systems.

The responsibility of protecting the rights of all citizens under the Constitution is shared by State and Federal courts. Creation of the State Justice Institute will assist State courts in meeting their increasing obligations under both State and Federal law by providing funds necessary for technical assistance, education research and training. This will encourage the modernization of State court systems with respect to efficient management of caseloads, budgeting, and development of reliable statistical data. Establishment of State Justice Institute will place responsibility for improvement of State court systems directly on the judicial officials charged with this responsibility under their own constitutions and laws, thus respecting the principles of separation of powers and federalism.

I would like to point out that the measure before us today not only provides funds for valuable education and training, it also prohibits any duplication of existing programs or activities. As we strive to more closely monitor the spending of Federal tax dollars, thus provision is an assurance that funds we allocate today will only be used for much needed court improvement programs.

It is important for us to remove the competition between State judiciaries and State executive agencies for Federal assistance. A national program of assistance specifically for the improvement of State courts will create a beneficial environment for the administration of State court systems. In addition, the State Justice Institute will fill a current void by representing State courts in future national policy decisions that will affect the Nation's total justice system.

I urge my colleagues to join me in improving the State court systems by supporting H.R. 4145.●

● Mr. CORRADA. Mr. Speaker, I rise in strong support of the State Justice Institute Act of 1983 which would establish a State Justice Institute to administer a national program directed to the improvement of justice delivery systems at the State level.

The State Justice Institute would be formed as an independent federally chartered nonprofit corporation authorized to award grants for education, training, and research programs aimed at developing more responsive State judicial systems. The Institute would also serve as a clearinghouse of justice-related information to help improve the administration of justice in State courts.

This legislation brings forth a long overdue and sorely needed national initiative to aid States cope with the overwhelming criminal activity the Nation suffers. There is an urgent need for better trained judicial personnel, a greater sharing of justice-related information by State courts and the development of new aggressive concepts in the administration of justice as proposed by this measure. We cannot procrastinate the implementation of this joint effort crafted to secure more efficient, accessible and just judicial systems all across the Nation. The State Justice Institute, even though it would have limited resources, would give the necessary direction and guidance to make this national initiative a successful endeavor.

I urge my colleagues to vote for the passage of this highly important legislation which would lend a big hand in our quest to insure that justice is served in every court of our Nation.●

● Mr. RODINO. Mr. Speaker, I rise in support of all three bills on the suspension calendar today from the Committee on the Judiciary. H.R. 4145 authorizes the creation of a State Justice Institute; H.R. 4307 is a bill to rationalize and update the Criminal Justice Act; and H.R. 4249 is a bill to reform the witness protection program and the U.S. Marshal's Service.

Each of these bills was carefully crafted by the committee with bipartisan support. Each of these measures was cosponsored by a majority of the members of both parties on the Subcommittee on Courts, Civil Liberties, and the Administration of Justice. Each of these measures addresses significant problems in our criminal justice system. First, the State Justice Institute recognizes that over 95 percent of all criminal cases are processed in State courts and that improvements to these institutions is central to an improvement in the criminal justice system, both criminal and civil. Second, the Criminal Justice Act reform measure adjusts the rates to be paid to assigned counsel in criminal cases to adjust for inflation. The net result of this change will be an improvement in the quality of justice in the Federal courts and less appeals for incompetent counsel. Finally, the bill reforming the witness protection program acknowledges the importance of this program to the prosecution of organized crime cases while at the same time responding to the legitimate concerns of crime victims and minor children of unrelocated parents.

I am disappointed to learn that the Office of Management and Budget has, at the last minute, decided to oppose these bills. While these bills were before the committee, we received no adverse comments from the administration. They have been supported by many of our Republican colleagues on the committee.

I believe that the bills which we are debating today are well drafted and each fulfills its purpose. I urge my colleagues to support them, notwithstanding the last-minute opposition from the administration, which I do not believe to be well founded.●

Mr. LOWRY of Washington. Mr. Speaker, I would like to express my

support for H.R. 4145, the State Justice Institute Act, which would establish a State Justice Institute to help strengthen and improve State and local judicial systems. This legislation offers a cost-effective way to improve these systems and to aid Congress as it considers legislation that would affect State courts.

As a Representative from the State of Washington, I would also like to note that Chief Justice Robert F. Utter of our State supreme court has taken an active role on this issue, and testified in support of the legislation on behalf of the Conference of Chief Justices of the States. His advice and comments on the legislation have been most helpful.

I would like to express my thanks to the chairman of the Subcommittee on Courts, Civil Liberties, and the Administration of Justice, Mr. KASTENMEIER. I appreciate his efforts on H.R. 4145, and I urge the House to adopt it.

Mr. MOORHEAD. Mr. Speaker, I yield back the balance of my time.

Mr. KASTENMEIER. Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. KASTENMEIER) that the House suspend the rules and pass the bill, H.R. 4145, as amended.

The question was taken.

Mr. FRENZEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

CRIMINAL JUSTICE ACT REVISION OF 1984

Mr. KASTENMEIER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4307) to amend section 3006A of title 18, United States Code, to improve the delivery of legal services in the criminal justice system to those persons financially unable to obtain adequate representation, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4307

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Criminal Justice Act Revision of 1984".

SEC. 2. (a) Section 3006A of title 18, United States Code, is amended as follows:

(1) Subsection (a) is amended by striking out "(1) who is" and all that follows through "subsection (h)." and inserting in lieu thereof the following: "in accordance with this section. Representation under each plan shall include counsel and investigative, expert, and other services necessary for adequate representation. Each plan shall provide the following:

"(1) Representation shall be provided for any financially eligible person who—

"(A) is charged with a felony or misdemeanor (other than a petty offense as defined in section 1 of this title);

"(B) is a juvenile alleged to have committed an act of juvenile delinquency as defined in section 5031 of this title;

"(C) is charged with a violation of probation;

"(D) is under arrest, when such representation is required by law;

"(E) is entitled to appointment of counsel in parole proceedings under chapter 311 of this title;

"(F) is in custody as a material witness;

"(G) is entitled to appointment of counsel under the sixth amendment to the Constitution; or

"(H) faces loss of liberty in a case, and Federal law requires the appointment of counsel.

"(2) Whenever the United States magistrate or the court determines that the interests of justice so require, representation may be provided for any financially eligible person who—

"(A) is charged with a petty offense for which a sentence to confinement is authorized; or

"(B) is seeking relief under section 2241, 2254, or 2255 of title 28 or section 4245 of this title.

"(3) Private attorneys shall be appointed in a substantial proportion of the cases. Each plan may include, in addition to the provisions for private attorneys, either of the following or both:

"(A) Attorneys furnished by a bar association or a legal aid agency.

"(B) Attorneys furnished by a defender organization established in accordance with the provisions of subsection (g).".

(2) Subsection (b) is amended—

(A) in the second sentence—

(i) by striking out "In every criminal case" and all that follows through "violation of probation and" and inserting in lieu thereof "In every case in which a person entitled to representation under a plan approved under subsection (a)"; and

(ii) by striking out "defendant"; and inserting in lieu therof "person";

(B) in the third sentence by striking out "defendant" each place it appears and inserting in lieu thereof "person"; and

(C) in the fifth sentence by striking out "defendants" and inserting in lieu thereof "persons".

(3)(A) Subsection (d)(1) is amended by striking out "not exceeding $30" and all that follows through "Such attorney" and inserting in lieu thereof the following: "not in excess of $50 per hour, unless the Judicial Conference determines that a higher rate of not in excess of $75 per hour is justified for a circuit or for particular districts within a circuit, for time expended in court or before a United States magistrate and for time expended out of court. The Judicial Conference may develop guidelines for determining the maximum hourly rates for each circuit in accordance with the preceding sentence, with variations by district, where appropriate, taking into account such factors as the minimum range of the prevailing hourly rates for qualified attorneys in the district in which the representation is provided and the recommendations of the judicial councils of the circuits. Not less than three years after the effective date of the Criminal Justice Act Revision of 1984, the Judicial Conference is authorized to raise the maximum hourly rates specified in this paragraph up to the aggregate of the overall average percentages of the adjustments in the rates of pay under the General Schedule made pursuant to section 5305 of title 5, United States Code, on or after such effective date. After the rates are raised under the preceding sentence, such maximum hourly rates may be raised at intervals of not less than one year each, up to the aggregate of the overall average percentages of such adjustments made since the last raise was made under this paragraph. Attorneys".

(B) Subsection (d)(2) is amended—

(i) in the first sentence—

(I) by striking out "$1,000" and inserting in lieu thereof "$5,000"; and

(II) by striking out "$400" and inserting in lieu thereof "$1,500";

(ii) in the second sentence by striking out "$1,000" and inserting in lieu thereof "$3,000"; and

(iii) by striking out the third sentence and inserting in lieu thereof the following: "For any other representation required or authorized by this section, the compensation shall not exceed $1,000 for each attorney in each proceeding.".

(C) Subsection (d)(3) is amended by striking out "for extended or complex representation".

(D) Subsection (d)(4) is amended in the first sentence by striking out "represented the defendant" and inserting in lieu thereof "provided representation to the person involved".

(4)(A) Subsection (e)(1) is amended in the first sentence by striking out "an adequate defense" and inserting in lieu thereof "adequate representation".

(B) Subsection (e)(2) is amended to read as follows:

"(2) WITHOUT PRIOR REQUEST.—(A) Counsel appointed under this section may obtain, subject to later review, investigative, expert, and other services without prior authorization if necessary for adequate representation. Except as provided in subparagraph (B) of this paragraph, the total cost of services obtained without prior authorization may not exceed $300 and expenses reasonably incurred.

"(B) The court, or the United States magistrate, if the services were rendered in a case disposed of entirely before the United States magistrate, may, in the interest of justice, and upon the finding that timely procurement of necessary services could not await prior authorization, approve payment for such services after they have been obtained, even where the cost of such services exceeds $300.".

(C) Subsection (e)(3) is amended by striking out "$300" and inserting in lieu thereof "$1,000".

(5)(A) Subsection (h)(2)(A) is amended by striking out ", similarly as under title 28, United States Code, section 605, and subject to the conditions of that section" and insert-

ing in lieu thereof "in accordance with section 605 of title 28".

(B) Subsection (h)(2)(B) is amended in the third sentence by striking out "coming" and inserting in lieu thereof "next fiscal".

(C) Subsection (h) is further amended by adding at the end thereof the following:

"(3) MALPRACTICE AND NEGLIGENCE SUITS.—The Director of the Administrative Office of the United States Courts shall, to the extent the Director considers appropriate, provide representation for and hold harmless, or provide liability insurance for, any person who is an officer or employee of a Federal Public Defender Organization, or a Community Defender Organization receiving periodic sustaining grants, established under this subsection, for money damages for injury, loss of property, or personal injury or death arising from malpractice or negligence of any such officer or employee in furnishing representational sevices under this section while acting within the scope of that person's office or employment.".

(6) Subsection (j) is amended by inserting immediately before the period at the end of the first sentence the following: ", including funds for the continuing education and training of persons providing representational services under this section".

(7) Subsection (l) is amended—

(A) by striking out ", other than subsection (h) of section 1,"; and

(B) by striking out "Act" each place it appears and inserting in lieu thereof "section".

(b)(1) Section 3006A of title 18, United States Code, is further amended by striking out subsection (g) and redesignating subsections (h) through (l) as subsections (g) through (k), respectively.

(2) Subsection (j), as redesignated by paragraph (1), is amended to read as follows:

"(j) DISTRICTS INCLUDED.—As used in this section, the term 'district court' means each district court of the United States created by chapter 5 of title 28, the District Court of the Virgin Islands, the District Court for the Northern Mariana Islands, and the District Court of Guam.".

SEC. 3. This Act and the amendments made by section 2 of this Act shall take effect on October 1, 1984.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Wisconsin (Mr. KASTENMEIER) will be recognized for 20 minutes and the gentleman from California (Mr. MOORHEAD) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. KASTENMEIER).

Mr. KASTENMEIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R., 4307, the Criminal Justice Act Revision of 1984. H.R. 4307 updates the Federal Criminal Justice Act (18 U.S.C. 3006A). This bill, which is the unanimously approved work product of the House Judiciary Subcommittee on Courts, Liberties and the Administration of Justice, is cosponsored by all the members of the subcommittee, as well as by three other Members—the gentleman from Michigan (Mr. CONYERS), the gentleman from Washington State (Mr. LOWRY), and the gentleman from Minnesota (Mr. SIKORSKI)—who indicated their interest in the legislation. On May 1, 1984, the Committee on the Judiciary ordered the bill favorably reported by voice vote (no objection being heard). I welcome the bipartisan support for the bill, and hope that it can be enacted during this Congress. An identical bill, S. 2420, was introduced in the other body on March 13, 1984.

The genesis for this bill is an earlier proposal (H.R. 3233) which I introduced at the request of the U.S. Judicial Conference, the policymaking body for the Federal judiciary. Two days of hearings—June 30 and July 14, 1983—were conducted by the subcommittee. The Judiciary Conference had submitted the proposal for H.R. 3233 on April 7, 1983. Federal judges and other persons (including ex-prosecutors) were concerned that the Criminal Justice Act had essentially not been updated since 1970. The act provides a system for the representation of persons who are unable to afford legal counsel in Federal criminal and related matters. The original act (Public Law 88-455) was passed in 1964. The sixth amendment to the Constitution guarantees the right to competent counsel in criminal cases. If the constitutional mandate is not followed, then innocent persons may be convicted, and guilty persons may be released or win a new trial based on a showing of ineffective assistance of counsel. Thus, it is in the interest of justice that competent counsel be encouraged to serve under the Criminal Justice Act.

H.R. 4307 is the product of 2 days of hearings, 2 days of subcommittee markup (September 15 and October 20), and 1 day of full committee markup (May 1, 1984). Among the witnesses at the hearings were representatives of the General Accounting Office, the U.S. Judicial Conference, the National Association of Former U.S. Attorneys, the Federal Defender Advisory Committee, and the National Legal Aid & Defender Association.

The current hourly rates of $20 (out of court) and $30 (in court), which were set in 1970, are no longer reasonable rates in most cases. Contrast the current delay of 14 years in updating the act to the fact that in 1970, when the 1964 act was first amended, the rates were doubled over a 6-year period, because the rates were so low. H.R. 3233 would have allowed the Judicial Conference to set any hourly rate. However, H.R. 4307 sets a general maximum of $50 per hour with an absolute maximum of $75 per hour. Members decided not to distinguish between in-court and out-of-court rates. These figures were reached by reviewing surveys of circuits conducted by the administrative office since 1970. From March 1970 until March 1984, the cost-of-living increase according to the Bureau of Labor Statistics was 168.4 percent. In some districts the hourly rate may be less than $50 per hour. The Judicial Conference in consultation with the judicial councils of the circuits may very the rates by district considering such factors as the minimum range of prevailing rates for qualified attorneys in the district. Three years after the effective date of the act (October 1, 1984), the hourly rates may be raised consistent with cost-of-living raises to Federal employees, but only if the Judicial Conference decides it is appropriate to increase the maximum rates by district. The maximum case ceilings are raised but not to the extent as recommended in H.R. 3233. New maximums per proceeding are $5,000 for a felony; $1,500 for a misdemeanor; $3,000 for appeals; $1,000 for other proceedings such as posttrial motions probation revocation hearings, representation of material witnesses and habeas corpus matters. Expert and investigative services or costs were necessary to adequate representation and that payment is approved by the chief judge of the circuit. The cost of the bill has been estimated at $21 million by the Congressional Budget Office.

H.R. 4307 also makes improvements recommended by the Judicial Conference relating to malpractice insurance for Federal defenders, appointment of council in certain petty offenses, and the training of private panel attorneys. It also removes a restriction placed in the act in 1970 which precluded the U.S. District Court for the District of Columbia from establishing a Federal defender organization. The chief judges of the U.S. District Court (District of Columbia) and of the Court of Appeals (District of Columbia circuit) have supported the repeal of his restriction. Thus under H.R. 4307 the District Court for the District of Columbia will be able to have a mixed (private bar/public defender) system as other districts may presently do.

H.R. 4307 had no known opposition until today when OMB noticed its opposition. OMB notes in its three-sentence statement that its main reason for opposition is that it wants the revision to be contained in an omnibus attorney fee bill. The administration claims the Justice Department will submit such a bill "in the immediate future." This claim has been made for 1½ years by the administration. Congress cannot wait and should not wait any longer to update the act. Federal judges have called for this legislation and say immediate action is needed. In the final sentence, OMB claims it has reservations about "several substantive provisions including the amount of compensation." It is not clear what OMB means, H.R. 4307 contains provisions which respond to DOJ criticism of an earlier bill, H.R. 3233. H.R. 4307 allows an hourly maximum of $50 per hour with $75 per hour allowed only if

the Judicial Conference approves the amount for a particular circuit or district. This ceiling is less than the Equal Access to Justice Act which allows recovery against the United States in civil cases of $75 per hour generally or higher in some cases. H.R. 4307 also has lower case maximums than the judges requested. H.R. 4307 also responded to substantive concerns which the Department of Justice had about the earlier bill (H.R. 3233) relating to representation of material witnesses, notification of the right to counsel, and persons charged with petty offenses. It is unclear why OMB now opposes H.R. 4307. In a letter to the Judiciary Committee last August, the Department of Justice stated "the administration feels that pay increases to CJA attorneys are long overdue. * * *" H.R. 4307 is a fair response to the immediate need.

H.R. 4307 is supported by the U.S. Judicial Conference, the National Association of Former U.S. Attorneys, the American Bar Association, the National Legal Aid & Defender Association, Federal and Public Community Defenders, and the National Association of Criminal Defense Lawyers, Inc., and numerous State and local bar associations.

I hope you will support this important legislation.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to support what our subcommittee chairman has said and compliment him on his leadership in drafting this legislation. It has wide range support, including the U.S. Judicial Conference, bar associations from around the county, including California Attorneys for Criminal Justice, the State Bar of California, the Los Angeles County Bar Association, the Bar Association of San Francisco, the Ninth Circuit, the American Bar Association, and the National Association of Former U.S. Attorneys. The original bill, H.R. 3233, was criticized by the Department of Justice primarily because it had no hourly maximums and to that bill's somewhat expanded coverage. However, both of these criticisms were met by the legislation before you today. However, this morning we received a brief written communication from the administration indicating that it is opposed to H.R. 4307.

I would like to mention briefly a couple of the provisions we worked out through debate and compromise in the subcommittee:

The U.S. Judicial Conference recommended that they be permitted to set the hourly rate paid lawyers, rather than have that rate set out by Congress. The Department of Justice objected to that as well as most of us on the subcommittee. What we came up with is setting the hourly rate, and increasing it from $30 an hour to $50 and that there will no longer be any distinction for hourly rates on a district-by-district basis up to $75. There may be a few districts around the country, mostly your large urban areas, where the $50 rate may be raised. This legislation would require the Judicial Conference to develop guidelines for determining the maximum hourly rates for each circuit with variations by district taking into account such factors as the minimum range of the prevailing hourly rates and the recommendations of the judicial councils of the circuits. The legislation before you would authorize the Judicial Conference to raise the maximum hourly rates 3 years after the effective date consistent with the cost-of-living adjustment for Federal employees.

With regard to allowable maximums per proceeding, present law permits $1,000 for a felony and $400 for a misdemeanor. The Judicial Conference recommended that these maximums be raised $10,000 for a felony and $3,000 for a misdemeanor. The Judiciary Committee decided on a maximum allowable for a felony would be $5,000 (not $10,000) and for a misdemeanor $1,500 (not $3,000).

Mr. Speaker, this is important legislation and I hope we can move it through the prcesss quickly. I do not believe that anyone expects taxpayers should pay criminal defense lawyers at the same rates that our big corporations pay for their own attorneys and what this legislation provides is substantially less than that. But it does not make sense to fight crime by providing money for our police, for our prosecution and for our jails, if the court processes are bogged down or if convictions of criminals are ultimately reversed for lack of effective assistance of an attorney.

I urge you to support H.R. 4307.

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Mr. FRENZEL. Mr. Speaker, will the gentleman yield?

Mr. MOORHEAD. I am happy to yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Chairman, the compelling and persuasive oratory of the gentleman from Wisconsin (Mr. KASTENMEIER) and the gentleman from California (Mr. MOORHEAD) have persuaded me that my criticism of this bill given recently in this Chamber was unfounded and I, too, support the passage of the bill.

I yield back the balance of my time.

● Mr. FISH. Mr. Speaker, I would like to commend the subcommittee for its work product contained in H.R. 4307, Criminal Justice Act amendments. Lawyers who represent indigent criminal defendants in our city's courts perform a difficult but socially important task.

Ninety percent of all criminal defendants are indigent. Lawyers who are court appointed to represent them do not, for the most part, have fancy offices. And the rates they are paid for this work make it difficult to hire investigators and even clerical help. These lawyers have not had a salary increase in the last 14 years.

In testimony before our committee we have been advised that, with increasing frequency, experienced lawyers are, in fact resigning from the Criminal Justice Act panels. Many of those lawyers who do accept Criminal Justice Act appointments do so reluctantly. Those who do accept cases are oftentimes sole practitioners or members of small firms. The economic burden on them is even greater than it is on attorneys from larger firms. Judges have indicated that they are now expending more time and effort than is reasonable—in view of their other responsibilities—in attempting to locate qualified attorneys who are willing to accept appointments. Delay in the appointment of an attorney is, in my opinion, a severe limit to timely access to counsel, thus in effect depriving the poor of rights guaranteed by our Constitution. I believe, everybody in this Chamber would agree, that economic factors must not be permitted to regulate the application of constitutional rights.

The sixth amendment guarantees every person charged with a crime, rich or poor, the right to the effective assistance of an attorney. Society must pay for that service when the accused cannot. It is also equally as important that attorneys, who are charged with the responsibility of making our system of justice work, be adequately compensated to maintain a high quality of representation for indigent defendants. This legislation is long overdue and I urge my colleagues to vote in favor of H.R. 4307.●

Mr. KASTENMEIER. Mr. Speaker, we have no further requests for time.

Mr. MOORHEAD. Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. KASTENMEIER) that the House suspend the rules and pass the bill, H.R. 4307, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in

which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

U.S. MARSHALS SERVICE AND WITNESS SECURITY REFORM ACT OF 1984

Mr. KASTENMEIER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4249) to amend title 18 United States Code, to provide for the protection of Government witnesses in criminal proceedings, to establish a U.S. Marshals Service, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4249

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "United States Marshals Service and Witness Security Reform Act of 1984".

TITLE I—PROTECTION OF GOVERNMENT WITNESSES

AUTHORITIES OF ATTORNEY GENERAL

SEC. 101. Part II of title 18, United States Code, is amended by inserting after chapter 223 the following new chapter:

"CHAPTER 224—PROTECTION OF WITNESSES

"§ 3521. Witness relocation and protection

"(a)(1) The Attorney General may provide for the relocation and other protection of a witness or a potential witness for the Federal Government or for a State government in a criminal judicial proceeding if the Attorney General determines that an offense involving a crime of violence directed at the witness with respect to that proceeding, an offense set forth in chapter 73 of this title directed at the witness, or a State offense that is similar in nature to either such offense, is likely to be committed. The Attorney General may also provide for the relocation and other protection of the immediate family of, or a person otherwise closely associated with, such witness or potential witness if the family or person may also be endangered on account of the participation of the witness in the judicial proceeding.

"(2) The Attorney General shall issue guidelines defining the type of criminal cases for which the exercise of the authority of the Attorney General contained in paragraph (1) would be appropriate.

"(3) The United States and its officers and employees shall not be subject to any civil liability on account of any decision to provide or not to provide protection under this chapter.

"(b)(1) In connection with the protection under this chapter of a witness, a potential witness, or an immediate family member or close associate of a witness or potential witness, the Attorney General shall take such action as the Attorney General determines to be necessary to protect the person involved from bodily injury and otherwise to assure the health, safety, and welfare of that person, including the psychological well-being and social adjustment of that person, for as long as, in the judgment of the Attorney General, the danger to that person exists. The Attorney General may—

"(A) provide suitable documents to enable the person to establish a new identity or otherwise protect the person;

"(B) provide housing for the person;

"(C) provide for the transportation of household furniture and other personal property to a new residence of the person;

"(D) provide to the person a payment to meet basic living expenses, in a sum established in accordance with regulations issued by the Attorney General, for such times as the Attorney General determines to be warranted;

"(E) assist the person in obtaining employment; and

"(F) refuse to disclose the identity or location of the person or any other matter concerning that person, except that the Attorney General shall, upon the request of State or local law enforcement officials, provide relevant information to such officials concerning a criminal investigation or proceeding relating to the person protected.

The Attorney General shall establish an accurate, efficient, and effective system of records concerning the criminal history of persons provided protection under this chapter in order to provide the information described in subparagraph (F) of this paragraph.

"(2) Deductions shall be made from any payment made to a person pursuant to paragraph (1)(D) to satisfy obligations of that person for family support payments pursuant to a State court order.

"(3) Any person who, without the authorization of the Attorney General, knowingly discloses any information received from the Attorney General under paragraph (1)(F) shall be fined $5,000 or imprisoned five years, or both.

"(c) Before providing protection to any person under this chapter, the Attorney General shall make a written assessment in each case of the possible risk of danger to other persons and property and shall determine whether the need for that person's testimony outweighs the risk of danger to the public. In assessing whether a person should be provided protection under this chapter, the Attorney General shall consider the person's criminal record, alternatives to providing protection under this chapter, the possibility of securing similar testimony from other sources, the need for protecting the person, the relative importance of the person's testimony, results of psychological examinations, and such other factors as the Attorney General considers appropriate. The Attorney General shall not provide protection to any person under this chapter (1) if the risk of danger to the public, including the potential harm to innocent victims, outweighs the need for that person's testimony, or (2) if providing such protection will substantially infringe upon the relationship between a child who would be relocated in connection with such protection and that child's parent who would not be so relocated. This subsection shall not be construed to authorize the disclosure of the written assessment made pursuant to this subsection.

"(d)(1) Before providing protection to any person under this chapter, the Attorney General shall enter into a memorandum of understanding with that person. Each such memorandum of understanding shall set forth the responsibilities of that person, including—

"(A) the agreement of the person, if a witness or potential witness, to testify in and provide information to all appropriate law enforcement officials concerning all appropriate proceedings,

"(B) the agreement of the person not to commit any crime,

"(C) the agreement of the person to take all necessary steps to avoid detection by others of the facts concerning the protection provided to that person under this chapter,

"(D) the agreement of the person to comply with civil judgments against that person,

"(E) the agreement of the person to cooperate with all reasonable requests of officers and employees of the Government who are providing protection under this chapter,

"(F) the agreement of the person to designate another person to act as agent for the service of process,

"(G) the agreement of the person to make a sworn statement of all outstanding legal obligations, including obligations concerning child custody and visitation, and

"(H) the agreement of the person to disclose any probation or parole responsibilities, and if the person is on probation or parole under State law, to consent to Federal supervision in accordance with section 3522 of this title.

Each such memorandum of understanding shall also set forth the protection which the Attorney General has determined will be provided to the person under this chapter, and the procedures to be followed in the case of a breach of the memorandum of understanding, as such procedures are established by the Attorney General. Such procedures shall include (i) a procedure for filing grievances within the Department of Justice independently of the program providing protection under this chapter, and (ii) an opportunity for a hearing before an official not involved in the case who is designated by the Attorney General or, if the Attorney General is involved in the case, by the next highest ranking officer in the Department of Justice not involved in the case.

"(2) The Attorney General shall enter into a separate memorandum of understanding pursuant to this subsection with each person protected under this chapter who is eighteen years of age or older. The memorandum of understanding shall be signed by the Attorney General and the person protected.

"(3) The Attorney General may delegate any responsibilities under this chapter only to the Deputy Attorney General, to an Associate Attorney General, to the Assistant Attorney General in charge of the Criminal Division of the Department of Justice, to the Assistant Attorney General in charge of the Civil Rights Division of the Department of Justice (insofar as the delegation relates to a criminal civil rights case), and to one other officer or employee of the Department of Justice.

"(e) The Attorney General may terminate the protection provided under this chapter to any person who substantially breaches the memorandum of understanding entered into between the Attorney General and that person pursuant to subsection (d), or who

provides false information concerning the memorandum of understanding or the circumstances pursuant to which the person was provided protection under this chapter, including information with respect to the nature and circumstances concerning child custody and visitation. Before terminating such protection, the Attorney General shall send notice to the person involved of the termination of the protection provided under this chapter and the reasons for the termination. The decision of the Attorney General to terminate such protection shall not be subject to judicial review.

"§ 3522. Probationers and parolees

"(a) A probation officer may, upon the request of the Attorney General, supervise any person provided protection under this chapter who is on probation or parole under State law, if the State involved consents to such supervision. Any person so supervised shall be under Federal jurisdiction during the period of his supervision and shall, during that period, be subject to all laws of the United States which pertain to parolees.

"(b) The failure by any person provided protection under this chapter who is supervised under subsection (a) to comply with the memorandum of understanding entered into by that person pursuant to section 3521(d) of this title shall be grounds for the revocation of probation or parole, as the case may be.

"(c) The United States Parole Commission and the Chairman of the Commission shall have the same powers and duties with respect to a probationer or parolee transferred from State supervision pursuant to this section as they have with respect to an offender convicted in a court of the United States and paroled under chapter 311 of this title. The provisions of sections 4201 through 4204, 4205(d), (e), and (h), 4206 through 4216, and 4218 of this title shall apply following a revocation of probation or parole under this section.

"(d) If a person provided protection under this chapter who is on probation or parole and is supervised under subsection (a) of this section has been ordered by the State court which imposed sentence on the person to pay a sum of money to the victim of the offense involved for damage caused by the offense, that penalty or award of damages may be enforced as though it were civil judgment rendered by a United States district court. Proceedings to collect the moneys ordered to be paid may be instituted by the Attorney General in any United States district court. Moneys recovered pursuant to such proceedings shall be distributed to the victim.

"§ 3523. Civil judgments

"(a) If a person provided protection under this chapter is named as a defendant in a civil cause of action arising prior to or during the period in which the protection is provided, process in the civil proceeding may be served upon that person or agent designated by that person for that purpose. The Attorney General shall make reasonable efforts to serve a copy of the process upon the person protected at the person's last known address. The Attorney General shall notify the plaintiff in the action whether such process has been served. If a judgment in such action is entered against that person, the Attorney General shall determine whether the person has made reasonable efforts to comply with the judgment. The Attorney General shall take appropriate steps to urge the person to comply with the judgment. If the Attorney General determines that the person has not made reasonable efforts to comply with the judgment, the Attorney General may, after considering the danger to the person, and upon the request of the person holding the judgment, disclose the identity and location of the person to the plaintiff entitled to recovery pursuant to the judgment. Any such disclosure of the identity and location of the person shall be made upon the express condition that further disclosure by the plaintiff of such identity or location may be made only if essential to the plaintiff's efforts to recover under the judgment, and only to such additional persons as is necessary to effect the recovery.

"(b)(1) Any person who holds a judgment entered by a Federal or State Court in his or her favor against a person provided protection under this chapter may, upon a decision by the Attorney General to deny disclosure of the current identity and location of such protected person, bring an action against the protected person in the United States district court in the district where the person holding the judgment (hereinafter in this subsection referred to as the 'petitioner') resides. Such action shall be brought within one hundred and twenty days after the petitioner requested the Attorney General to disclose the identity and location of the protected person. The complaint in such action shall contain statements that the petitioner holds a valid judgment of a Federal or State court against a person provided protection under this chapter and that the petitioner sought to enforce the judgment by requesting the Attorney General to disclose the identity and location of the protected person.

"(2) The petitioner in an action described in paragraph (1) shall notify the Attorney General of the action at the same time the action is brought. The Attorney General shall appear in the action and shall affirm or deny the statements in the complaint that the person against whom the judgment is allegedly held is provided protection under this chapter and that the petitioner requested the Attorney General to disclose the identity and location of the protected person for the purpose of enforcing the judgment.

"(3) Upon a determination (A) that the petitioner holds a judgment entered by a Federal or State court and (B) that the Attorney General has declined to disclose to the petitioner the current identity and location of the protected person against whom the judgment was entered, the court shall appoint a guardian to act on behalf of the petitioner to enforce the judgment. The clerk of the court shall forthwith furnish the guardian with a copy of the order of appointment. The Attorney General shall disclose to the guardian the current identity and location of the protected person and any other information necessary to enable the guardian to carry out his or her duties under this subsection.

"(4) It is the duty of the guardian to proceed with all reasonable diligence and dispatch to enforce the rights of the petitioner under the judgment. The guardian shall, however, endeavor to carry out such enforcement duties in a manner that maximizes, to the extent practicable, the safety and security of the protected person. In no event shall the guardian disclose the new identity or location of the protected person without the permission of the Attorney General, except that such disclosure may be made to a Federal or State court in order to enforce the judgment. Any good faith disclosure made by the guardian in the performance of his or her duties under this subsection shall not create any civil liability against the United States or any of its officers or employees.

"(5) Upon appointment, the guardian shall have the power to perform any act with respect to the judgment which the petitioner could perform, including the initiation of judicial enforcement actions in any Federal or State court or the assignment of such enforcement actions to a third party under applicable Federal or State law. The Federal Rules of Civil Procedure shall apply in any action brought under this subsection to enforce a Federal or State court judgment.

"(6) The costs of any action brought under this subsection with respect to a judgment, including any enforcement action described in paragraph (5), and the compensation to be allowed to a guardian appointed in any such action shall be fixed by the court and shall be apportioned among the parties as follows: the petitioner shall be assessed in the amount the petitioner would have paid to collect on the judgment in an action not arising under the provisions of this subsection; the protected person shall be assessed the costs which are normally charged to debtors in similar actions and any other costs which are incurred as a result of an action brought under this subsection. In the event that the costs and compensation to the guardian are not met by the petitioner or by the protected person, the court may, in its discretion, enter judgment against the United States for costs and fees reasonably incurred as a result of the action brought under this subsection.

"(7) No officer or employee of the Department of Justice shall in any way impede the efforts of a guardian appointed under this subsection to enforce the judgment with respect to which the guardian was appointed.

"(c) The provisions of this section shall not apply to a court order to which section 3524 of this title applies.

"§ 3524. Child custody arrangements

"(a) The Attorney General may not relocate any child in connection with protection to a person under this chapter if it appears that a person other than that protected person has legal custody of that child.

"(b) Before protection is provided under this chapter to any person (1) who is a parent of a child of whom that person has custody, and (2) who has obligations to another parent of that child with respect to custody or visitation of that child under a court order, the Attorney General shall obtain and examine a copy of such order for the purpose of assuring that compliance with the order can be achieved. If such compliance cannot be so achieved, the Attorney General may provide protection under this chapter to the person only if the Attorney General obtains a modification of the court order under subsection (e)(1) of this section.

"(c) With respect to any person provided protection under this chapter (1) who is the parent of a child who is relocated in connection with such protection and (2) who has obligations to another parent of that child with respect to custody or visitation of that child under a State court order, the Attorney General shall, as soon as practicable after the person and child are so relocated, notify in writing the child's parent who is not so relocated that the child has been provided protection under this chapter. The notification shall also include statements that the rights of the parent not so relocated to

visitation or custody, or both, under the court order shall not be infringed by the relocation of the child and that the Department of Justice will pay (A) all costs incurred in insuring that visitation or custody, including any costs for necessary security arrangements, and (B) all attorneys' fees and other litigation costs incurred by that parent arising from the child's relocation (including costs associated with court proceedings provided in this section).

"(d)(1) With respect to any person provided protection under this chapter (A) who is the parent of a child who is relocated in connection with such protection and (B) who has obligations to another parent of that child with respect to custody or visitation of that child under a court order, an action to modify that court order may be brought by any party to the court order in the District Court for the District of Columbia or in the district court for the district in which the child's parent resides who has not been relocated in connection with such protection.

"(2) With respect to actions brought under paragraph (1), the district courts shall establish a procedure to provide a reasonable opportunity for the parties to the court order to mediate their dispute with respect to the order. The court shall provide a mediator for this purpose. If the dispute is mediated, the court shall issue an order in accordance with the resolution of the dispute.

"(3) If, within 60 days after an action is brought under paragraph (1) to modify a court order, the dispute has not been mediated, any party to the court order may request arbitration of the dispute. In the case of such a request, the court shall appoint a master to act as arbitrator, who shall be experienced in domestic relations matters. Rule 53 of the Federal Rules of Civil Procedure shall apply to masters appointed under this paragraph. The court and the master shall, in determining the dispute, give substantial deference to the need for maintaining parent-child relationships, and any order issued by the court shall be in the best interests of the child. In actions to modify a court order brought under his subsection, the court and the master shall apply the law of the State in which the court order was issued or, in the case of the modification of a court order issued by a district court under this section, the law of the State in which the parent resides who was not relocated in connection with the protection provided under this chapter. The costs to the Government of carrying out a court order may not be considered in an action brought under this subsection to modify that court order.

"(4) Until a court order is modified under this subsection, all parties to that court order shall comply with their obligations under that court order.

"(5) With respect to any person provided protection under this chapter who is the parent of a child who is relocated in connection with such protection, the parent not relocated in connection with such protection may bring an action, in the District Court for the District of Columbia or in the district court for the district in which that parent resides, for violation by that protected person of a court order with respect to custody or visitation of that child. If the court finds that such a violation has occurred, the court may hold in contempt the protected person. The Attorney General shall terminate protection under this chapter provided to any such protected person so held in contempt.

"(e)(1) In any case in which the Attorney General determines that, as a result of the relocation of a person and a child of whom that person is a parent in connection with protection provided under this chapter, the implementation of a court order with respect to custody or visitation of that child would be substantially impossible, the Attorney General may bring, on behalf of the person provided protection under this chapter, an action to modify the court order. Such action may be brought in the district court for the district in which the parent resides who would not be or was not relocated in connection with the protection provided under this chapter. In an action brought under this paragraph, if the Attorney General establishes, by clear and convincing evidence, that implementation of the court order involved would be substantially impossible, the court may modify the court order but only to the extent of creating a remedy substantially equivalent to the terms of that court order.

"(2) With respect to any State court order in effect to which this section applies, and with respect to any district court order in effect which is issued under this section, if the parent who is not relocated in connection with protection provided under this chapter intentionally violates a reasonable security requirement imposed by the Attorney General with respect to the implementation of that court order, the Attorney General may bring an action in the district court for the district in which that parent resides to modify the court order. The court may modify the court order if the court finds such an intentional violation.

"(3) The procedures for mediation and arbitration provided under subsection (d) of this section shall not apply to actions for modification brought under this subsection.

"(f) In any case in which a person provided protection under this chapter is the parent of a child of whom that person has custody and has obligations to another parent of that child concerning custody and visitation of that child which are not imposed by court order, that person, or the parent not relocated in connection with such protection, may bring an action in the district court of the district in which that parent not relocated resides to obtain an order providing for custody or visitation, or both, of that child. In any such action, all the provisions of subsection (d) of this section shall apply.

"(g) In any case in which an action under this section involves court orders from different States with respect to custody or visitation of the same child, the court shall resolve any conflicts by applying the rules of conflict of laws of the State in which the court is sitting.

"(h)(1) Subject to paragraph (2), the costs of any action described in subsection (d), (e), or (f) of this section shall be paid by the United States Government.

"(2) The Attorney General shall insure that any State court order in effect to which this section applies and any district court order in effect which is issued under this section are carried out. The Department of Justice shall pay all costs and fees described in clauses (A) and (B) of subsection (c) of this section.

"(i) For purposes of this section and section 3521(c), the term 'parent' includes any person who stands in the place of a parent by law.

"§ 3525. Victims Compensation Fund

"(a) The Attorney General may pay restitution to, or in the case of death, compensation for the death of any victim of a crime that causes or threatens death or serious bodily injury and that is committed by any person during a period in which that person is provided protection under this chapter.

"(b) Not later than four months after the end of each fiscal year, the Attorney General shall transmit to the Congress a detailed report on payments made under this section for such year.

"(c) There are authorized to be appropriated for the fiscal year 1985 and for each fiscal year thereafter, $2,000,000 for payments under this section.

"(d) The Attorney General shall establish guidelines and procedures for making payments under this section. The payments to victims under this section shall be made for the types of expenses provided for in section 3579(b) of this title, except that in the case of the death of the victim, an amount not to exceed $50,000 may be paid to the victim's estate. No payment may be made under this section to a victim unless the victim has sought restitution and compensation provided under Federal or State law or by civil action. Such payments may be made only to the extent the victim, or the victim's estate, has not otherwise received restitution and compensation, including insurance payments, for the crime involved. Payments may be made under this section to victims of crimes occurring on or after the date of the enactment of this chapter. In the case of a crime occurring before the date of the enactment of this chapter, a payment may be made under this section only in the case of the death of the victim, and then only in an amount not exceeding $25,000, and such a payment may be made notwithstanding the requirements of the third sentence of this subsection.

"(e) Nothing in this section shall be construed to create a cause of action against the United States.

"§ 3526. Cooperation of other Federal agencies and State governments; reimbursement of expenses

"(a) Each Federal agency shall cooperate with the Attorney General in carrying out the provisions of this chapter and may provide, on a reimbursable basis, such personnel and services as the Attorney General may request in carrying out those provisions.

"(b) In any case in which a State government requests the Attorney General to provide protection to any person under this chapter—

"(1) the Attorney General may enter into an agreement with that State government in which that government agrees to reimburse the United States for expenses incurred in providing protection to that person under this chapter; and

"(2) the Attorney General shall enter into an agreement with that State government in which that government agrees to cooperate with the Attorney General in carrying out the provisions of this chapter with respect to all persons.

"§ 3527. Additional authority of Attorney General

"The Attorney General may enter into such contracts or other agreements as may be necessary to carry out this chapter. Any such contract or agreement which would result in the United States being obligated to make outlays may be entered into only to the extent and in such amount as may be provided in advance in an appropriation Act.

"§ 3528. Definition

"For purposes of this chapter, the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.".

CONFORMING AMENDMENT; REPEAL

SEC. 102. (a) The table of chapters for part II of title 18, United States Code, is amended by inserting after the item relating to chapter 223 the following new item:

"224. Protection of witnesses 3521".

(b) Title V of the Organized Crime Control Act of 1970 (84 Stat. 933) is repealed.

EFFECTIVE DATE

SEC. 103. The amendments made by this title, and section 102(b) of this Act, shall take effect on October 1, 1984.

TITLE II—UNITED STATES MARSHALS SERVICE AND SERVICE OF PROCESS

ESTABLISHMENT OF UNITED STATES MARSHALS SERVICE AND LIMITATIONS ON SERVICE OF PROCESS BY SUCH SERVICE

SEC. 201. (a) Chapter 37 of title 28, United States Code, is amended to read as follows:

"CHAPTER 37—UNITED STATES MARSHALS SERVICE

"Sec.
"561. United States Marshals Service.
"562. Powers and duties generally; supervision by Attorney General.
"563. Power as sheriff.
"564. Disbursement of salaries and moneys.
"565. Collection of fees; accounting.
"566. Delivery of prisoners to successor.
"567. Delivery of unserved process to successor.
"568. Practice of law prohibited.
"569. Reemployment rights.

"§ 561. United States Marshals Service

"(a) There shall be a United States Marshals Service in the Department of Justice.

"(b) The Attorney General shall appoint a United States marshal for each judicial district. Each United States marshal shall be an official of the United States Marshals Service.

"(c) The Attorney General may appoint a Director of the United States Marshals Service, who shall be the head of the Service.

"(d) The Attorney General may appoint such other officials of the United States Marshals Service as the Attorney General considers necessary.

"(e) All positions in the United States Marshals Service appointed by the Attorney General under subsections (b) and (c) of this section shall be positions in the excepted service, as defined in section 2103 of title 5. All positions in the United States Marshals Service appointed by the Attorney General under subsection (d) of this section shall be positions in the competitive service, as defined in section 2102 of title 5.

"§ 562. Powers and duties generally; supervision by Attorney General

"(a) the United States Marshals Service shall provide such services to the district courts of the United States, the United States courts of appeal, and the United States Court of International Trade, as the Attorney General directs.

"(b) The Attorney General shall supervise and direct the United States Marshals Service in the performance of public duties and accounting for public moneys. Each official of the United States Marshals Service shall report any official proceedings, receipts, and disbursements and the condition of the office as the Attorney General directs.

"§ 563. Powers as sheriff

"An official of the United States Marshals Service, in executing the laws of the United States within a State, may exercise the same powers which a sheriff of the State may exercise in executing the laws thereof.

"§ 564. Disbursement of salaries and moneys

"(a) The United States Marshals Service, under regulations prescribed by the Attorney General, shall pay the salaries, office expenses, and travel and per diem allowances of United States attorneys and their assistants, clerks, and messengers, and of the officials of such Service.

"(b) On all disbursements made by the United States Marshals Service for official salaries or expenses, the certificate of the payee is sufficient without verification on oath.

"§ 565. Collection of fees; accounting

"(a) Each official of the United States Marshals Service shall collect, as far as possible, any lawful fees of the office and account for the same as public moneys.

"(b) The official's accounts of fees and costs paid to a witness or juror on certificate of attendance issued as provided by sections 1825 and 1871 of this title may not be reexamined to charge such official for an erroneous payment of the fees or costs.

"§ 566. Delivery of prisoners to successor

"Each official of the United States Marshals Service shall deliver to the successor to such office all prisoners in the custody of that official.

"§ 567. Delivery of unserved process to successor

"All unserved process remaining in the hands of an official of the United States Marshals Service shall be delivered to the successor to such office.

"§ 568. Practice of law prohibited

"An official of the United States Marshals Service may not practice law in any court of the United States or in any State court.

"§ 569. Reemployment rights

"A United States marshal for a judicial district who was appointed from a position in the competitive service (as defined in section 2102 of title 5) in the United States Marshals Service and who, for reasons other than misconduct, neglect of duty, or malfeasance, is removed from such office, is entitled to be reemployed in any vacant position in the competitive service in the United States Marshals Service at the same grade or pay level, or lower, as the individual's former position if—

"(1) the individual is qualified for the vacant position; and

"(2) the individual has made application for the position not later than 90 days after being removed from office as a United States marshal.

Such individual shall be so reemployed within 30 days after making such application or after being removed from office, whichever is later. An individual denied reemployment under this section in a position because the individual is not qualified for that position may appeal that denial to the Merit System Protection Board under section 7701 of title 5.".

(b) Any United States marshal serving on the effective date of this title shall continue to serve for the remainder of the term for which such marshal was appointed, unless sooner removed by the Attorney General.

UNITED STATES MARSHALS FEES

SEC. 202. (a) Section 1921 of title 28, United States Code, is amended to read as follows:

"§ 1921. Fees of the United States Marshals Service

"(a)(1) Except as otherwise provided, the United States Marshals Service shall collect, and a court may tax as costs, the fees for the following:

"(A) Serving a writ of possession, partition, execution, attachment in rem, or libel in admiralty, warrant, attachment, summons, capias, or any other writ, order, or process in any case or proceeding.

"(B) Serving a subpena or summons for a witness or appraiser.

"(C) Forwarding any writ, order, or process to another judicial district for service.

"(D) The preparation of any notice of sale, proclamation in admiralty, or other public notice of bill of sale.

"(E) The keeping of attached property (including boats, vessels, or other property attached or libeled), actual expenses incurred, such as storage, moving, boat hire, or other special transportation, watchmen's or keepers' fees, insurance, and an hourly rate for each official of the United States Marshals Service required for special services, such as guarding, inventorying, and moving.

"(F) Copies of writs or other papers furnished at the request of any party.

"(G) Necessary travel in serving or endeavoring to serve any process, writ, or order, except in the District of Columbia, with mileage to be computed from the place where service is returnable to the place of service or endeavor.

"(2) The United States Marshals Service shall collect, in advance, a deposit to cover the initial expenses for special services required under paragraph (1)(E), and periodically thereafter such amounts as may be necessary to pay such expenses until the litigation is concluded. This paragraph applies to all private litigants, including seamen proceeding pursuant to section 1916 of this title.

"(3) For purposes of paragraph (1)(G), if two or more services or endeavors, or if an endeavor and a service, are made in behalf of the same party in the same case on the same trip, mileage shall be computed to the place of service or endeavor which is most remote from the place where service is returnable, adding any additional mileage traveled in serving or endeavoring to serve in behalf of that party. If two or more writs of any kind, required to be served in behalf of the same party on the same person in the same case or proceeding, may be served at the same time, mileage on only one such writ shall be collected.

"(B) The Attorney General shall prescribe from time to time regulations for the fees to be collected and taxed under subsection (a).

"(c)(1) For seizing or levying on property (including seizures in admiralty), disposing of such property by sale, setoff, or otherwise and receiving and paying over money, the United States Marshals Service shall collect commissions of 3 per centum of the first $1,000 collected and 1½ per centum on the excess of any sum over $1,000, except that the amount of the commission shall be within the range set by the Attorney General. If the property is not disposed of by sale by such Service, the commission shall be in such amount, within the range set by the Attorney General, as may be allowed by the court. In any case in which the vessel or other property is sold by a public auctioneer, or by some party other than an official of the United States Marshals Service, the commission authorized under this subsec-

tion shall be reduced by the amount paid to such auctioneer or other party. This subsection applies to any judicially ordered sale or execution sale, without regard to whether the judicial order of sale constitutes a seizure or levy within the meaning of State law.

"(2) The Attorney General shall prescribe from time to time regulations which establish a minimum and maximum amount for the commissions collected under paragraph (1).

"(d) The United States Marshals Service may require a deposit to cover any of the fees and expenses prescribed under this section.

"(e) Notwithstanding the provisions of section 3302 of title 31, the United States Marshals Service is authorized, to the extent provided in appropriations Acts, to credit to its appropriations account all fees, commissions, and expenses collected for—

"(1) the service of civil process, including complaints, summonses, subpenas, and similar process; and

"(2) seizures, levies, and sales associated with judicial orders of execution,

by the United States Marshals Service and to use such credited amounts for the purpose of carrying out such activities. Such credited amounts may be carried over from year to year for such purposes.".

(b) The item relating to section 1921 in the table of sections for chapter 123 of title 28, United States Code, is amended to read as follows:

"1921. Fees of the United States Marshals Service.".

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 203. (a)(1) Section 872 of title 28, United States Code, is amended to read as follows:

"The Attorney General shall appoint a United States marshal for the Court of International Trade, to whose office the provisions of chapter 37 of this title shall apply.".

(2) The table of sections for chapter 55 of title 28, United States Code, is amended by amending the item relating to section 872 to read as follows:

"872. Marshal.".

(3) The section heading of section 872 of title 28, United States Code, is amended to read as follows:

"§ 872. Marshal".

(b) Section 2902 of title 5, United States Code, is amended in subsection (c) by striking out "and marshals".

(c) Section 3053 of title 18, United States Code, is amended by striking out "their deputies" and inserting in lieu thereof "such other officials of the United States Marshals Service as the Attorney General shall designate for purposes of this section".

EFFECTIVE DATE

SEC. 204. The amendments made by this title shall take effect on October 1, 1984.

The SPEAKER pro tempore. Is a second demanded?

Mr. MOORHEAD. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. KASTENMEIER) will be recognized for 20 minutes and the gentleman from California (Mr. MOORHEAD) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. KASTENMEIER).

Mr. KASTENMEIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks. I yield to myself as much time as I may consume.

This afternoon I am pleased to bring before the House H.R. 4249, a bill to reform the operations of the U.S. Marshals Service including the witness security program. This bill has the support of 12 of the 14 members of the subcommittee and is the product of work done by the subcommittee over the last two Congresses.[1]

The U.S. Marshals Service is the oldest Federal law enforcement agency. Currently the Marshals Service has important law enforcement responsibilities with respect to apprehension of fugitives, transportation of prisoners, and operation of the witness security program. It is the witness security part of their operations which motivates the changes made by this bill.

The witness security program was first authorized in 1970 in a brief reference in an omnibus bill. Those provisions had never been subjected to any House hearings, and some of the problems which we are attempting to cure today raise, in part, because of the summary nature of the current law.

There is little doubt that the witness security program has been an important tool for Federal and State law enforcement officials. Since 1970, about 4,000 persons have been placed in the program, given new identities and relocated. These persons have provided key testimony in numerous organized crime prosecutions. At the request of my Subcommittee on Courts, Civil Liberties, and the Administration of Justice, the General Accounting Office has reviewed case filed from the FBI and Marshals Service and established—in a soon to be released report—that the program is of material value to Federal prosecutors.

Unfortunately the very nature of the witness security program has created problems. First, many of the program participants are persons with extensive criminal records, and somewhat prone to commit new crimes. According to the GAO, about 25 percent of the participants committed a new crime. Second, because of their new identity and location some witnesses have tended to ignore their previous civil law obligations, including child custody and visitation. Both of these problems have been explored in depth in hearings in both Houses and most recently by the General Accounting Office. This bill is an attempt to respond to these issues, while at the same time enhancing the effectiveness of the program.

The bill makes the following major changes in current law:

First, admission into the program is made more difficult. The Attorney General must weigh the risk of harm to the community against the need for the testimony;

Second, persons who are victimized by participants in the witness security program are eligible for Federal compensation, after other means have been exhausted;

Third, the obligations of program participants to comply with civil court judgments are secured; and

Fourth, management accountability is enhanced by providing that each U.S. marshal be directly accountable to the Attorney General.

Before closing, I wish to express my thanks to a number of my colleagues for their contributions to this legislation. Congressman FRANK crafted the child custody and visitation provisions, Congressmen SAWYER and SMITH contributed to the victim compensation section: Congressman GLICKMAN added a number of substantive amendments; and Congresswoman SCHROEDER and Congressman MATSUI developed the section of employment rights for the Marshals Service. Finally, Senators NUNN, COCHRAN, and BAUCUS have all labored hard on these issues and their contributions are reflected in this bill.

It should also be noted that a number of journalists have investigated the shortcomings of this program. These exposés helped create a climate for reform. Specifically, credit should go to Fred Gralnam of CBS News; Gary Delsohn of the Denver Post; Heraldo Rivera of ABC News and "20/20"; Stanley Penn of the Wall Street Journal; Tom Renner of Newsday; and Leslie Maitland Werner of the New York Times.

I cannot help but note the opposition of the Office of Management and Budget to this bill. This late filed claim comes as a surprise. The committee has been working on this legislation for nearly 2 years. During that time staff of the committee has met repeatedly with the Department of Justice. As early as last summer the Department of Justice was asked how they wished to respond to the problems of child custody and visitation. At that point, the Department of Justice had lost two cases in Federal Court and were, arguably, under a mandate to reform the witness protection program. Despite a plea for suggested amendments none were received.

On January 24 of this year I met with the Director of the Marshals Service and provided him with a copy of the child custody and visitation

[1] Inadvertently omitted from the list of cosponsors is Congressman William Hughes, chairman of the Subcommittee on Crime.

amendment which was offered in committee by Congressman FRANK. We never received a response to the request for comments. Finally, during the deliberations in the full Judiciary Committee all of the members who addressed this question of child custody and visitation were fully supportive of the provisions in the bill.

In essence, the administration position is that they should not have to give full deference to the rights of the family and children. They only wish to provide for visitation up to once per month regardless of any outstanding court orders. This position is antifamily and antichildren.

The second apparent basis for administration opposition to this bill is that we have shown some compassion for the victims of crimes committed by protected witnesses. We have included a modest $2 million authorization for crimes committed by protected witnesses. This authorization is virtually identical to a provision reported last week by the Senate Judiciary Committee. During our hearings last Congress, Congresswoman VIRGINIA SMITH testified about the brutal murders committed by Marion Albert Pruett. The victims of this protected witness multistate murder spree also appeared before us. Frankly, I do not know how this administration could look those people in the eye and say victims compensation for them would "unfairly discriminate" in their favor.

Let me take a moment to outline the factual background of the Pruett case so that my colleagues can see why compensation is appropriate. Marion Albert Pruett was admitted into the witness security program because his testimony was alleged to be necessary to solve a murder in the Atlanta Penitentiary. Pruett testified and was released from prison. Pruett relocated to New Mexico with his wife. Some time later Pruett's wife was found dead in a field. When the local police inquired of the FBI whether Pruett—using a new name—had a criminal record he was released. Pruett went on to commit six murders after fleeing prosecution in New Mexico. Finally, it is also clear now that Pruett committed perjury in the first trial, because he has confessed to the original Atlanta Penitentiary murder. I guess the Office of Management and Budget does not think the Government did anything wrong.

One last point about the administration position. In yesterday's New York Times an article on this bill appeared including a quotation from a Justice Department official. The Assistant Attorney General in charge of Legislative Affairs said—and I quote, "delay is more of a problem than anything else." Yet this morning we are told that the Office of Management and Budget seeks to defeat this bill on the Suspension Calendar. Who speaks for the administration?

I urge my colleagues to support this measure.

□ 1400

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. KASTENMEIER. I yield to the gentleman.

Mr. FASCELL. I thank the gentleman for yielding.

Mr. Speaker, I want to commend him and his subcommittee and the full committee for undertaking the revision of the witness protection progam legislation and say that I support the modernization of the program.

But I want to ask a couple of questions, if I might.

One, is there a limit on the amount of protection that can be or that should be paid in any one case? Is there any limitation in the legislation?

Mr. KASTENMEIER. No; there is an overall limitation.

Mr. FASCELL. Does the Attorney General or somebody acting on his behalf have the discretion to terminate a witness protection program once it has been initiated?

Mr. KASTENMEIER. In response to the gentleman, I would say yes, the Attorney General does have that discretion as well as he has discretion in terms of victims' compensation.

Mr. FASCELL. I am more concerned about the person right now who comes into the program and gets in the middle of it and is suddenly terminated because "the program is too expensive." And I want to know what guidelines, if any, incumbent upon the Attorney General or whoever administers the program to make that decision.

That was the reason for the question, and I would like to explore that further at another time with the gentleman because that is a very serious matter. And as the gentleman knows, it has occurred. And I think it raises some questions.

The other thing I would like to get on the record if the gentleman will yield further, is this: Are there any guidelines with respect to the witness protection program when it involves the family of the individual? And I am thinking now particularly of minor children.

Mr. KASTENMEIER. Indeed there is. That was part of a discussion earlier. We provide very precisely for visitation rights and for taking into consideration the appropriate interests of the Government in the confidentiality and security of the witness; but notwithstanding, we mandate that State court orders be respected in terms of affording visitation rights for persons not in the program as well as those in the program. And this is the first, and I would say one of the foremost, priorities.

Mr. FASCELL. Well, if the gentleman will yield further, I am thinking of the case of an individual who is brought into the witness protection program and was required at least in order to participate to give up his business, leave town, give up his wife and his three minor children and that is the only way he could participate.

It seems to me that was a little awkward.

Mr. KASTENMEIER. Well, I cannot speak to that particular case. In the bill we have tried to insist in the nature of a memorandum of understanding without precisely spelling out a contract which affords the protected witness some redress in terms of what happens to him or her once they are in the program.

Mr. FASCELL. I think that is a tremendous improvement. Is that contract made with the marshal or the district attorney in the district, usually?

Mr. KASTENMEIER. It is usually made with the Attorney General.

Mr. FASCELL. Directly?

Mr. KASTENMEIER. The authority to enter into a memorandum of understanding resides in the Attorney General or five other top departmental officials. But ultimately the Attorney General is responsible.

Mr. FASCELL. So in other words, the witness who is considering the possibility of adopting the protection of the program in working with the district attorney, U.S. district attorney in the local district, would have to be sure that the Attorney General of the United States has actually signed off on his admission into the program before he can be assured of the protection of this act; is that what the gentleman is telling me?

Mr. KASTENMEIER. Yes.

May I say to the gentleman from Florida, let me read from the report, because I think it answers quite clearly.

In addition to listing all the potential obligations of the protected witness, the memorandum of understanding, that is why I said contract; the memorandum of understanding shall also indicate exactly what the Government promises to do for the witness:

The memorandum shall also contained a detailed description of the grievance mechanism available to the protected witness in case of an alleged breach of the Memorandum of Understanding.

Mr. FASCELL. I want to say to the gentleman from Wisconsin that is a tremendous improvement and I compliment the gentleman.

Mr. KASTENMEIER. I thank the gentleman from Florida.

Mr. Speaker, I reserve the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I find that I support the overall thrust of H.R. 4249 and the majority of its provisions which are designed to provide needed and specific criteria for the operation of the witness protection program. However, I do have a reservation about one segment of the legislation, which is shared by the U.S. Department of Justice.

H.R. 4249 would establish a victim compensation fund to compensate victims of violent crime committed by protected witnesses in sums of up to $50,000 in the case of the death of a victim. The compensation provisions are also retroactive with payments of up to $25,000 available for the death of a victim occurring before the enactment of this legislation.

The U.S. Department of Justice is opposed to the creation of a victim compensation fund in the context of H.R. 4249. The Department in previous testimony has argued that the effect of this provision is "* * * to make the Government strictly liable for any offense committed by a person provided protection without regard to whether the Government was negligent in any respect." If one is inclined to support compensating victims of crime, I believe that the best way to do it is through a comprehensive victim compensation program and not by the creation of a special fund in the context of this legislation.

Aside from the reservation I have just noted, H.R. 4249 is sound legislation. One of the most prevalent problems encountered under the act in recent years is the number of protected witnesses who have used the program to shield themselves from their civil law obligations—including money judgments and child custody support and visitation orders. H.R. 4249 would codify the existing practice of the Department to disclose the new name and location of a protected witness if the person refuses to honor an outstanding judgment. Moreover, the bill clearly specifies which officials in the Department can admit individuals into the program. This insures that admissions into the program will be handled at the top levels of the Department while at the same time facilitating oversight of the program.

I would like to commend the chairman and members of the Subcommittee on Courts, Civil Liberties and the Administration of Justice for their work on H.R. 4249. By the same token, I would especially like to note the efforts of our colleague, the gentlewoman from Nebraska (Mrs. SMITH) who provided valuable input to the Courts Subcommittee during their deliberations on this issue.

Overall, this legislation will implement needed improvements and changes in the witness security program that should enable it to more efficiently fulfill its mandate of procuring witnesses and their testimony against members of organized crime.

Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. I thank the gentleman for yielding.

Mr. Speaker, I have no objection to a good deal of this particular bill. Much of it sounds like an improvement to me; the marshal's section, the visitation and obligations section as relates to the witnesses.

However, as I noted earlier, I do object to the fact that there is no cost estimate for that one section which it seems to me could have been provided by the Congressional Budget Office. CBO has been quick to provide all sorts of often-inaccurate estimates for very difficult items and I see no reason why it could not provide an estimate for the child custody arrangements.

Most of all, however, Mr. Speaker, I am concerned about the victims' compensation. I believe that this is a matter which should come before the Congress and the entire matter should be presented to us.

I can understand the desires of those to provide compensation for a person who has been aggrieved by someone the Government is protecting, and I am sure a good case can be made for it.

□ 1410

However, I think the Justice Department is dead right in suggesting that we do it all together. I am not altogether certain that I would approve an overall victims compensation program. My inclination would be to oppose it. But I am very certain that we should not do it in tiny little pieces with the foot in the door business that will bring another bill next year and another the year after until suddenly we have a policy composed of 100 pieces of baloney instead of the whole piece.

I think that this bill should be defeated. I think the committee should bring us out something that gives us a policy for crime victims compensation that is at least comprehensive and rational.

Mr. MOORHEAD. Mr. Speaker, I yield 6 minutes to the gentleman from Michigan (Mr. SAWYER).

Mr. SAWYER. Mr. Speaker, I rise in support of this legislation and the entire part of it.

Let me just address the objection to the section about the victims compensation fund that was addressed by the gentleman from Minnesota.

This is not like an ordinary victims compensation law that we have in many States, including my own State of Michigan. There, the only blame that might fall on the State is, theoretically, the failure to protect a person from a crime, which, despite all efforts, can never be 100 percent and we know it.

This is something quite different. Here the Federal Government has for its own purposes transported a vicious criminal, in many cases, with an established record of violence, into a peaceful community, with these people who then become victimized by him.

So it is hardly a question that the Federal Government does not have a stake in. It is nothing unusual for the law to recognize absolute liability, strict liability, as we call it. If you elect to keep dangerous wild animals on your property and one escapes, through no fault of your own, you are nevertheless strictly liable for anything they do, without question of fault.

Or if you maintain a dam on your property and it breaks through, no fault of your own, and people are killed or damaged, you are strictly liable, even though there was no fault.

The theory is that you knew that risk when you kept the wild animal and you knew that risk when you built the dam.

So therefore if the danger that is reasonably foreseeable occurs, you are responsible.

That is the same thing here with this program. Now the Balderson case is a typical example. Mr. and Mrs. Balderson testified before our subcommittee that they had a young son, going to college, working to get some help with his tuition at a 7-Eleven store. A Mr. Marion Pruitt, a known dangerous person, had been transported into their little community in Nebraska and suddenly went on a killing spree. Mr. Pruitt killed several people, among them their son, who was growing up in this quiet, rural Nebraska town where the Federal Government has elected to inject, for their own purposes, a dangerous criminal, a mad animal actually, who went on this killing spree.

Now how could you say that those people are not entitled to compensation unless they could prove negligence on the part of the Federal Government? How could you possibly liken it to the ordinary victims compensation, where the only fault of the Government is an omission, really, to protect against crime.

So I say this is a long-needed bill. It has a maximum cap on it of $50,000, which is hardly generous compensation for the loss of a son or a husband or a loved one at the hands of somebody transplanted by the Federal Government to serve its own purposes.

I urge strongly that we support this legislation.

Mr. FRENZEL. Mr. Speaker, will the gentleman yield?

Mr. SAWYER. I yield to the gentleman from Minnesota.

Mr. FRENZEL. I thank the gentleman for yielding.

Does the gentleman mean to tell me that under this program we are sending vicious criminals back into polite society to establish residence in peaceful communities where they would be a risk to the citizens?

Mr. SAWYER. No question about it. In fact the ordinary criminal is not transported and given a new identity under this kind of protection. It is the one who has been fraternizing with exceedingly dangerous people and birds of a feather very normally are together. Most all of these individuals have criminal records.

The incidents of the commission of a crime in the communities that they have been transported in, while I do not have it at the tip of my fingers, is horrendous. So it is not just a happenstance. It is a known risk of major proportions, with 25 percent of them committing additional crimes.

Now, I do not vouch for those figures.

Mr. FRENZEL. Does the gentleman believe that it is a good program if we send a group of individuals back in society where a quarter or a third of them will commit serious crimes again?

Mr. SAWYER. Well, if you are prosecuting a major crime figure and you have witnesses who are willing to testify, and without them, you could not get convictions, you grant them immunity to testify. But that is not enough, because they know they will be killed as soon as the henchmen of the ones you are prosecuting can get their hands on them.

So in order to get the testimony, the Marshals Service gives them a new identify and transports them into a new community and in effect gives them a new life. That is the only way you can get them to testify. That is the price we have to pay for sending major family heads of the Mafioso to prison. And being a former prosecutor, I know the problem.

Mr. FRENZEL. Is the risk worth it? How many of these do we have?

Mr. SAWYER. Well, we have several of them, and whenever you are a prosecuting attorney, and I was one in an urban area before I came to Congress, you very often are dealing with people who are not nice people. Whether they are the witnesses close to the criminal activity or the criminal who you are prosecuting, very often they are involved with each other. You have to make a decision. Are you going to give the witnesses some incentive to testify to get a more dangerous criminal or a bigger kingpin or are you going to let them all go—because you cannot make them testify against themselves or if they are all involved, you cannot make them testify at all.

So you have to make these decisions. They are tough decisions. You are not always right.

But in the Federal program, dealing with organized crime, you have also got to give them new identities. Now we did not have to play around with that, but we made a lot of plea bargains to nail murderers. There is no other way to do it, unhappily. It would be nice if there were. Theoretically, people say you should not plea bargain. That is fine. Then you are going to let the murderer walk. Somebody who happened to be engaged in the robbery, but did not even have a gun, are you going to let him out with something less than a life sentence in order to get him to testify? And the answer is, yes, you are.

Mr. FRENZEL. It sounds like a very risky program.

Mr. SAWYER. It is and it is a risky business.

Mr. MOORHEAD. Mr. Speaker, while this program is a very risky one, I think it should be noted in the record here that in 1981 alone, witness security measures were credited with 995 indictments or convictions. In past testimony before the Subcommittee on Courts, Civil Liberties, and Administration of Justice, then-Attorney General Rudolph Giuliani characterized the program as one of the most effective and most important tools in the prosecution of organized criminal conspiracies.

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. KINDNESS).

Mr. KINDNESS. Mr. Speaker, I will not impose upon the time of the Members of this body to go over what the gentleman from Michigan has so thoroughly presented to us by way of emphasis.

I would just like to say that puts it very well in a nutshell. The gentleman from Michigan has set it forth very clearly. That is the kind of risk we have, it is the kind of program it is, some of us do not happen to think it is a particularly good program. Some of us happen to have a different philosophy that says maybe if you do not do this at all, you have these evil people killing each other off at a more rapid pace and perhaps things come out better in the long run that way.

That does not happen to work all the time. Some people do make different judgments about how our society ought to be run, perhaps in a more orderly fashion, and therefore a witness protection program seems to be necessary.

So if we are going to have a witness protection program, then it does appear to me this is a special category of victim compensation that is justified. I do not happen to support broadly the concept of victims' compensation from the public coffers.

□ 1420

This is a different matter. It has been very well set forth for us by the gentleman from Michigan.

As to the other parts of the bill, I think there have been expressions that are quite adequate in that regard.

In this one area of victims' compensation plan, I think there is a bit of misunderstanding about what the nature of it is, or there has been some misunderstanding. I trust that that has been clarified by the gentleman from Michigan in his presentation, and I will therefore not further impose upon the time of my colleagues of reemphasis of that point.

Mr. MOORHEAD. Mr. Speaker, I have no further requests for time.

Mr. KASTENMEIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would merely, in conclusion, like to touch upon two facts. One, it is true that over 90 percent of the people introduced into this program historically since 1970 do have some form of criminal record. And 25 percent of them, once in the program, will commit a felony or serious crime. In an attempt to mitigate this situation, we provide in the bill, and I quote:

> Before providing protection for any person under this chapter, the Attorney General shall make a written assessment in each case of the possible risk of danger to other persons and property and shall determine whether need for such person's testimony outweighs the risk of danger to the public. In assessing whether a person shall be provided protection under this chapter, the Attorney General shall consider the person's criminal record, alternatives to providing protection under this chapter and the possibility of securings similar testimony from other sources, the need for protecting the person, the relative importance of the person's testimony, the results of psychological examinations, and such other factors as the Attorney General considers appropriate.

We felt that it was absolutely essential that we try to bring down the risk to any community. But we know we cannot—permitting this program to continue, in the interest of justice—prevent all incidents from happening in the future in which there may be victims as a result of this program. That is why we have a victims' compensation feature. That is why, if there is Federal intervention to the extent of taking a person with a criminal record, giving that person an alias, placing him in your community, the Government does have an obligation in some small respect to provide compensation should that protected witness injure persons in that community.

Those are the two issues I think I would like, Mr. Speaker, the House to be aware of. I hope we could approve this bill. I will say to the House that the Senate has a similar bill. I trust

that 1984 will see this enacted into law.

● Mr. FISH. Mr. Speaker, I would like to indicate my support for H.R. 4249, which for the first time since the inception of the witness protection program in 1970, would provide specific statutory criteria for its operation. I think many of the problems that have engendered criticism of the program have resulted from the lack of specific statutory guidelines.

The witness protection program represents an important law enforcement tool in that its use has resulted in the convictions of numerous organized crime figures that otherwise would have been unobtainable. In 1981 alone, witness-security measures were credited with 995 indictments or convictions. In past testimony before the Subcommittee on Courts, Civil Liberties, and the Administration of Justice, then Associate Attorney General Rudolph Giuliani characterized the program as "one of the most effective and most important tools in the prosecution of organized criminal conspiracies."

As my colleague, the gentleman from California (Mr. MOORHEAD), has pointed out, most of the provisions of H.R. 4249 are constructive. However, I share his concern over the creation of a special victim compensation fund in this bill. Such an approach is inconsistent with a comprehensive victim compensation program. Aside from this shortcoming, H.R. 4249 will significantly improve a program that has proved to be an important asset in combating organized crime.●

● Mrs. SMITH of Nebraska. Mr. Speaker, I want to express my support today for H.R. 4249, the U.S. Marshals Service and Witness Security Program Reform Act.

Of very special interest are the provisions of this bill making needed and long-overdue reforms in the protected-witness program. This program was created in 1970 by the Organized Crime Control Act, and it has proven a vital weapon in the Government's battle against organized criminal activity. Still, as I have studied this program, I have come to the conclusion that what the program has gained has too often not been worth the price we have had to pay.

In the past decade, known criminals have been put back on the street, murdering, victimizing people, selling drugs to our children, committing any number of crimes, and all at taxpayer expense and sanctioned by a program Congress created but failed to fully define and restrict. H.R. 4249 is an attempt—and I believe a very successful one, although I would have liked to see many more restrictions placed on the program—to tighten up the program and prevent these situations from being characteristic of the program in the future.

I first became aware of the shortcomings of the witness security program in 1981, when constituents of mine, Frank and Betty Balderson of Alliance, Nebr., had to endure the worst ordeal any parent can face—the death of a child. They learned that not only was their eldest son murdered, but he was murdered by a habitual, violent criminal who was free to rob and kill as a direct result of his participation in the protected-witness program. One of the most difficult things I have had to do since coming to Congress, was try to explain to Mr. and Mrs. Balderson why their son was dead because of a Federal program.

We simply cannot allow the lives of innocent people to be jeopardized by placing obviously dangerous and violent criminals in our communities. I was shocked to learn that, Balderson's murderer, Marion Albert Pruett, was even considered for the program. Perhaps under the tighter program that will exist if we approve H.R. 4249, Pruett would have been in custody rather than crisscrossing the country, killing and robbing.

H.R. 4249 restricts entry into the program, requiring more extensive screening of the potential protected witness, and requiring the Attorney General to weigh much more carefully whether the need for a person's testimony is worth the risk of danger to the public. I also support the bill's provision restricting to top Justice Department officials who can approve a witness for participation in the witness security program.

In addition, considering that 98 percent of those participating in the program have criminal records, I believe it is imperative that once a witness is given a new identity, placed into a unknowing, unsuspecting community, that the Federal Government assume responsibility for its action. I was, therefore, quite pleased to see that H.R. 4249 includes a provision establishing a victim's compensation fund for innocent persons injured in crimes of violence committed by protected witnesses.

I am optimistic and hopeful that if the Federal Government is faced with this liability, the Justice Department will be more diligent in supervising, and perhaps providing some type of rehabilitation services, to those protected witnesses with criminal records. No amount of money will bring back the Baldersons' son, and an apology about the unfortunate circumstances of the case is hardly sufficient. The Government must accept responsibility for thrusting a dangerous, convicted felon on the public.

In closing, I want to thank Chairman KASTENMEIER and his Subcommittee on Court, Civil Liberties, and the Administration of Justice, including the subcommittee staff, for all of their hard work on this bill, for the assistance they have provided me, and for the courtesy extended to myself and the Baldersons when we appeared before the subcommittee to testify for many of the reforms made in this legislation. H.R. 4249 is a long time in coming before the whole House, but it is a good bill, a needed bill, and I urge my colleagues to support it.

Thank you.●

● Mrs. SCHROEDER. Mr. Speaker, I rise in support of H.R. 4249, legislation which strengthens the witness protection program, provides compensation to victims of individuals in the program, and provides a new charter to the U.S. Marshals Service.

Most of the discussion in committee centered on the witness security program and the victims compensation scheme. The Government has a special responsibility relating to the witnesses it relocates. The bill recognizes this responsibility. Further, the legislation makes these individuals comply with civil judgments, including child support orders.

In establishing a new charter for the Marshals Service, the committee voted to keep all the deputy marshals in the competitive service and permit the Attorney General to appoint the U.S. marshal for each of the 94 judicial districts as excepted service positions. This provision will insure that the rights of current employees are not compromised during the transition. This provision is supported by the exclusive representive of the employees of the Marshals Service.

Further, the committee voted to provide reemployment rights for career employees of the Marshals Service who take an appointment as a U.S. marshal for a judicial district. In order to insure that these individuals are not thrown out on the street at a change of administrations, the bill provides them with the right to a job back in the competitive service. This reemployment provision parallels what we have done for the Foreign Service and for members of the Senior Executive Service. The problem with employees of the Marshals Service losing their positions in a change of administrations was brought to our attention by Congressman MATSUI.

The Committee on Post Office and Civil Service worked with the Committee on the Judiciary in developing both the competitive service and the reemployment rights provisions of the Marshals Service title of this bill.●

Mr. KASTENMEIER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. KASTENMEIER) that the House suspend the rules and pass the bill, H.R. 4249, as amended.

The question was taken.

Mr. FRENZEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on the bill just under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

AMENDMENTS TO U.S. GRAIN STANDARDS ACT

Mr. DE LA GARZA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5221) to extend through September 30, 1988, the period during which amendments to the U.S. Grain Standards Act contained in section 155 of the Omnibus Budget Reconciliation Act of 1981 remain effective, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5221

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 155 of the Omnibus Budget Reconciliation Act of 1981 (95 Stat. 371), is amended by striking out in the introductory clause "Effective for the period October 1, 1981, through September 30, 1984, inclusive," and inserting in lieu thereof "Effective for the period beginning October 1, 1981, and ending September 30, 1988,".

SEC. 2. Effective for the period beginning with the date of enactment of this Act and ending September 30, 1988, the United States Grain Standards Act, as amended by the Omnibus Budget Reconciliation Act of 1981, is amended by—

(1) adding at the end of section 7(j) (7 U.S.C. 79(j)) a new paragraph as follows:

"(3) Any sums collected or received by the Administrator under this Act and deposited to the fund created in paragraph (1) of this subsection and any late payment penalties collected by the Administrator and credited to such fund may be invested by the Secretary in insured or fully collateralized, interest-bearing accounts or, at the discretion of the Secretary, by the Secretary of the Treasury in United States Government debt instruments. The interest earned on such sums and any late payment penalties collected by the Administrator shall be credited to the fund and shall be available without fiscal year limitation for the expenses of the Service incident to providing services under this Act.";

(2) inserting in section 7C (7 U.S.C. 79c) after "35 per centum", the words ", and for each of the fiscal years 1985 through 1988 shall not exceed 40 per centum,"; and

(3) striking out in section 19 (7 U.S.C. 87h) "during the period beginning October 1, 1981, and ending September 30, 1984", and inserting in lieu thereof "during the period beginning October 1, 1981, and ending September 30, 1988".

SEC. 3. Notwithstanding any other provision of law, the Secretary of Agriculture shall not establish a new class of wheat designated "Red Wheat", as proposed in 49 Federal Register, pages 1730-1735, dated January 13, 1984.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Texas (Mr. DE LA GARZA) will be recognized for 20 minutes and the gentleman from Minnesota (Mr. STANGELAND) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. DE LA GARZA).

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am appearing here today in support of H.R. 5221. This bill essentially extends for 4 years, through September 30, 1988, certain amendments to the U.S. Grain Inspection Act which were adopted in the Omnibus Budget Reconciliation Act of 1981 and which otherwise would expire September 30, 1984. The bill was reported by a rollcall vote of 37 ayes to 0 nays.

The principal amendment extends the requirement for the collection of user fees to cover administrative and supervisory costs related to official grain inspection and weighing. The user-fee provision has resulted in a reduction of Federal outlays for the Federal Grain Inspection Service from approximately $24 million in fiscal year 1981 to approximately $6.9 million in the current fiscal year. The latter amount, which is funded by appropriations, represents the costs of services which benefit the general public. The Congressional Budget Office estimates that because of the extension of the user-fee authority, the bill will save $15 million in Government outlays over a 4-year period.

Another amendment which is extended by the bill is a limitation on the costs which may be incurred in spending for administrative and supervisory expenses of the Federal Grain Inspection Service. Under the amendments adopted in 1981, a cap was placed on such expenses of 35 percent of the total costs incurred for inspection and weighing, with the exception of certain listed items. This cap is raised by H.R. 5221 from 35 percent to 40 percent of the total costs of such activities. The 35-percent limitation has been found to limit the effective management of the program, since in recent years there has been a decrease in the volume of grain exported, resulting in an increase of administrative and supervisory costs as a percentage of the total. This has occurred because of the necessity to retain sufficient technically qualified personnel to insure that professional services are available and provided when needed. At the same time, the committee has not wished to eliminate the cap in its entirety, since it has served as an effective limit on the bureaucratic growth of the agency in the last few years.

Another provision which has been extended is the requirement for the establishment of an advisory committee constituted of experts in the industry to advise the Administrator in the implementation of the act. The Committee on Agriculture has found that the work done by this advisory committee has been extremely beneficial. The record produced at the hearing supports the continuation of the advisory committee.

There are two new provisions that are included in H.R 5221. The first would authorize the Administrator to invest sums collected under the Federal Grain Inspection Act in insured or collateralized interest-bearing accounts or in U.S. Government debt instruments. The effect of this action is to enable the user fees and associated sums collected by the agency to be handled in a businesslike manner and reduce in the long run the appropriations and user fees that are needed to run the program. A similar provision is contained in existing law with respect to user fees collected under other statutes.

Finally, the bill contains a prohibition against the establishment of a new class designated "Red wheat" as recently proposed in the Federal Register. The proposed new classification of wheat was designed to accommodate a new variety of wheat called Arkan. The proposal has created much controversy because of concern that it would disrupt marketing of comparable types of wheat and result in the discounting of some Hard Red Winter wheat. We are pleased to note that the Federal Grain Inspection Service has just issued a press release announcing that it has decided not to establish this new class.

Mr. Speaker, I urge Members to join me in supporting this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. STANGELAND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 5221, a bill requested by the administration to reauthorize the Federal Grain Inspection Service for another 4 years. Since the Omnibus Budget Reconciliation Act of 1981, the Federal Grain Inspection Service has imposed user fees for its services. This bill will continue that system through September 30, 1988. The collection of user fees has resulted in progressively greater budget savings during the last 3 years.

H.R. 5221 retains a limitation on administrative and supervisory costs related to grain inspection and weighing. Since 1981 no more than 35 percent of the user fees could be utilized for the administrative and supervisory costs of running the program. Because there was agreement that this arbitrary limit could cause undue managerial problems for FGIS during certain times of the year, that figure was changed in subcommittee markup to 40 percent, a figure agreed to by industry groups and the administration. I believe this issue has now been resolved to everyone's satisfaction. The Federal Grain Inspection Service was also given the authority to invest user fees they collect in interest-bearing accounts, with the interest available to carry out FGIS functions.

Mr. Speaker, I know of no opposition to H.R. 5221, which should serve to continue the reduction in the amount of appropriated funds necessary for the Federal Grain Inspection Service. I urge my colleagues to support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just state that we had a thorough oversight hearing concerning this legislation and the Grain Inspection Service in general. There was some concern in a couple of areas, one which impacted in my area of Texas as to whether an inspection service would be continued at the Port of Brownsville, Tex.

I have been assured by Dr. Gilles, the Administrator, that his would be the case, that they would provide inspection at the Port of Brownsville, Tex., and there will be some changes, of course, in the fee schedules. But that impacts on all of the areas of inspection equally. I appreciate their cooperation in this respect.

● Mr. FOLEY. Mr. Speaker, I rise in strong support of H.R. 5221 and urge its adoption.

H.R. 5221 extends through September 30, 1988, the period during which amendments to the U.S. Grain Standards Act contained in section 155 of the Omnibus Budget Reconciliation Act of 1981 remain effective, and for other purposes. The amendments in the Omnibus Budget Reconciliation Act required collection of user fees to cover administrative and supervisory costs related to official grain inspection and weighing, imposed a 35-percent (increased to 40 percent by H.R. 5221) limitation on administrative and supervisory costs, authorized appropriations for standardization, compliance, and foreign monitoring activities, and required establishment of an advisory committee. These amendments enabled the Federal Grain Inspection Service (FGIS) to facilitate the orderly and timely marketing of grain in carrying out its responsibilities to provide for the establishment of official U.S. standards for grain, to promote the uniform application thereof by official inspection personnel, and to regulate the weighing and certification of the weight of grain.

Before these amendments were adopted in 1981, firms and individuals who used the inspection and weighing services paid only part of the service costs. Under the existing user fee authority which H.R. 5221 would extend for another 4 years, Federal outlays for the support of FGIS activities have been reduced by about $15 million per year.

H.R. 5221 provides a new amendment to the 1981 FGIS amendments by authorizing the Secretary of Agriculture to reinvest the funds generated by FGIS activities in an interest-bearing account until the time such funds are necessary to support FGIS activities. The purpose of the amendment is to allow the Secretary the authority to reinvest the excess funds generated by user fees during peak marketing periods until time as these funds are needed to support FGIS activities. The funds generated through the interest-bearing account would be used to reduce the appropriation and/or user fees required for operating the FGIS program.

The last amendment included in H.R. 5221 prohibits the establishment of a new class of wheat designated as "Red Wheat" as proposed in 49 Federal Register, pages 1730-1735, dated January 13, 1984. The committee's concern is that while there is a growing need to develop new technology in grading and classing wheat to keep pace with the new technologies in production agriculture, establishing a new class designated as "Red Wheat" could result in some hard red winter wheats being discounted to a lower price. The committee supports FGIS's ongoing efforts in formulating a new standard for new varieties of wheat where the wheat's visual characteristics may vary from its milling characteristics, but is of the view that the creation of a new "Red Wheat" class is not the solution to the problem.

Mr. Speaker, I move that H.R. 5221 be adopted.●

Mr. DE LA GARZA. I have no further requests for time, and I yield back the balance of my time, Mr. Speaker.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. DE LA GARZA) that the House suspend the rules and pass the bill, H.R. 5221, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AMENDMENTS TO SECTION 3a OF COTTON STATISTICS AND ESTIMATES ACT

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2085) to provide continuing authority to the Secretary of Agriculture for recovering costs associated with cotton classing services to producers and to authorize the Secretary of Agriculture to invest funds derived from fees for certain voluntary grading and inspection services and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

□ 1430

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2085

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective for the period beginning October 1, 1984, and ending September 30, 1988, section 3a of the Cotton Statistics and Estimates Act (7 U.S.C. 473a) is amended to read as follows:

"SEC. 3a. Effective for the fiscal years ending September 30, 1985, September 30, 1986, September 30, 1987, and September 30, 1988, the Secretary of Agriculture shall make cotton classification servcies available to producers of cotton and shall provide for the collection of classification fees from participating producers, or from agents who voluntarily agree to collect and remit the fees on behalf of producers. Such fees, together with the proceeds from the sales of samples submitted under this section, shall cover as nearly as practicable the cost of the services provided under this section, including administrative and supervisory costs: *Provided,* That (1) the uniform per bale classified fee to be collected from producers, or their agents, for such classification service in any year shall not exceed the uniform fee collected in the previous year by more than the percentage increase in the Implicit Price Deflator for Gross National Product as indexed during the most recent twelve-month period for which official statistics are available, and (2) the uniform per bale classification fee shall not be increased for any year if the accumulated reserve exceeds 20 per centum of the cost of the classification program in the previous year. Special classification services provided at the request of the producer shall not be subject to the restrictions specified in clauses (1) and (2) of the preceding sentence. All samples of cotton submitted for classification under this section shall become the property of the United States, and shall be sold: *Provided,* That such cotton samples shall not be subject to the provisions of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.). Fees collected under this section and under section 3d of this Act and the proceeds from the sales of samples shall be credited to the current appropriation account that incurs the cost and shall remain available without fiscal year limitation to pay the expenses of the Secre-

tary incident to providing services under such sections. Such funds may be invested by the Secretary in insured or fully-collateralized, interest-bearing accounts or, at the discretion of the Secretary, by the Secretary of the Treasury in United States Government debt instruments, with the interest earned and any late payment penalties to be credited to the appropriation account for use by the Secretary of Agriculture in providing services under this section and section 3d of this Act. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section to the extent that financing is not available from fees and the proceeds from the sales of samples.".

SEC. 2. Section 203(h) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(h)) is amended by inserting after "service authorized by this subsection" the following: ": *Provided*, That any operating balances from the collection of fees under this subsection may be invested by the Secretary of Agriculture in insured or fully-collateralized, interest-bearing accounts or, at the discretion of the Secretary of Agriculture, by the Secretary of the Treasury in United States Government debt instruments, with the interest earned and any late payment penalties to be credited to the trust fund account that incurs the cost of the services rendered under this Act and to be available without fiscal year limitation to cover the expenses of the Secretary of Agriculture incident to providing such services".

AMENDMENT OFFERED BY MR. DE LA GARZA

Mr. DE LA GARZA. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DE LA GARZA: Page 3, strike out the sentences beginning on line 4 and ending on line 16 and insert in lieu thereof the following: "Any fees collected under this section and under section 3d of this Act, late payment penalties, the proceeds from the sales of samples, and interest earned from the investment of such funds shall be credited to the current appropriation account that incurs the cost of services provided under this section and section 3d and shall remain available without fiscal year limitation to pay the expenses of the Secretary incident to providing such services. Such funds may be invested by the Secretary in insured or fully collateralized, interest-bearing accounts or, at the discretion of the Secretary, by the Secretary of the Treasury in United States debt instruments."

Page 3, strike out lines 21 through 25 and page 4, strike out lines 1 through 9 and insert in lieu thereof the following:

"SEC. 2. Section 203(h) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(h)) is amended by inserting immediately before the first complete sentence the following: 'Any fees collected under this subsection, late payment penalties, the proceeds from the sales of samples, and interest earned from the investment of such funds shall be credited to the trust fund account that incurs the cost of the services provided under this subsection and shall remain available without fiscal year limitation to pay the expenses of the Secretary incident to providing such services. Such funds may be invested by the Secretary in insured or fully collateralized, interest-bearing accounts or, at the discretion of the Secretary, by the Secretary of the Treasury in United States Government debt instruments.' ".

Mr. DE LA GARZA (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DE LA GARZA. Mr. Speaker, I am pleased to bring to the floor for consideration today the bill S. 2085, recently passed by the Senate. The bill is noncontroversial and has the support of the administration.

S. 2085 consists of two principal provisions. First, it amends and extends, for fiscal years 1985 through 1988, the authority of the Secretary of Agriculture to charge fees for cotton classification services provided to producers by the Department of Agriculture.

Under the bill, the Secretary is required to make cotton classification services available to producers of cotton and to provide for the collection of user fees for such services from participating producers, or from agents who voluntarily agree to collect and remit the fees on behalf of producers. The amount of the fees, together with the proceeds from sales of cotton samples submitted for classification, must cover, as nearly as practicable, the cost of the services provided, including administrative and supervisory costs. Except for special classification services provided at the request of a producer, increases in the fee level are subject to certain restrictions. The fees may be deposited in interest-bearing accounts or U.S. Government debt instruments and are available without fiscal year limitation.

The second aspect of the bill relates to user fees collected for voluntary grading services performed under the Agricultural Marketing Act of 1946. The act authorizes grading to be performed upon requests for most agricultural commodities and products including, among others, rice, beans, meat, poultry, fruits, and vegetables. S. 2085 authorizes the Secretary to invest the funds contained in the trust fund account maintained under the Agricultural Marketing Act of 1946 and derived from user fees and related charges in interest-bearing accounts or U.S. Government debt instruments and to apply, without fiscal year limitation, any interest earned on such funds against the cost of providing such services.

This bill is similar to H.R. 5221, just considered by the House, which provides comparable authority with respect to the collection of user fees for inspection and weighing activities under the U.S. Grain Standards Act and authorized the investment of those fees in interest-bearing accounts.

The amendments that are offered to S. 2085 are purely technical to clarify the provisions involving investment of the user fees and related sums in interest-bearing accounts.

Mr. STANGELAND. Mr. Speaker, as the ranking minority member of the Cotton, Rice and Sugar Subcommittee, I would like to express my strong support for S. 2085, a bill to extend USDA's authority to charge producers for cotton classing services through fiscal year 1988.

S. 2085 also contains a number of improvements in the present law to permit greater efficiencies in the administration of the cotton classing program and minimize producer costs. In addition, S. 2085 affords U.S. cotton producers the protection of limiting any future increases in the uniform per bale classification fee to the previous year's rate of inflation.

Since the initial implementation of user fees for cotton classing services in fiscal year 1982, participation by producers in the cotton classing program has continued at a rate of about 97 percent—unchanged from previous years.

For fiscal year 1984 the Department recommended, for the first time, full-cost recovery for the cotton classing user fee program. This action places all USDA agricultural commodity grading services on a comparable and full-cost recovery basis.

Enactment of S. 2085 is needed to authorize the Secretary to continue recovering the cost of cotton classing services and thereby maintain equitable treatment to all users of USDA commodity grading activities.

S. 2085 has the support of the cotton industry and the administration, and I urge the Members of the House to support its passage.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Texas (Mr. DE LA GARZA).

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the H.R. 5221 and S. 2085, the two bills just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ORDER OF BUSINESS

Mr. WEBER. Mr. Speaker, I ask unanimous consent that I be allowed to proceed with my special order immediately preceding the gentleman from Pennsylvania (Mr. WALKER).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

THE GREGORSKY REPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. WEBER) is recognized for 60 minutes.

Mr. WEBER. Mr. Speaker, on May 8 our colleague from Georgia (Mr. GINGRICH) and our colleague from Pennsylvania (Mr. WALKER) read into the RECORD the first two-thirds of a report by Frank Gregorsky of the Republican Study Committee entitled, "What is the Matter With Democratic Foreign Policy."

Last Thursday, in a 1-minute speech, I announced to the House my intention to read the final third of that report into the RECORD today. I sent to my colleagues on that same day a "Dear Colleague" letter inviting all those whose names are mentioned at any point in the Gregorsky Study to participate with us today in a discussion of that study after I have completed reading into the RECORD the remainder of the study.

Mr. Speaker, I ask unanimous consent that at this point the text of that "Dear Colleague" letter be included in my remarks.

DEAR ——: On Monday, May 22, during Special Order time, we will be entering into the record the final third of the Republican Study Committee document entitled "What's the Matter with Democratic Foreign Policy?" written by Frank Gregorsky. The first two thirds of the report were entered on May 8.

Because your name is one of those mentioned in the report we wanted to give you advance notification of our actions, and invite you to participate in our special order. After we complete the document, we look forward to an open and frank dialogue with any Member who wishes to come to the floor of the House.

We look forward to this very important discussion of foreign policy and the RSC report.

Sincerely,

VIN WEBER.
BOB WALKER.
NEWT GINGRICH.

[The Correction]

In a letter you received by page this morning the date of a Special Order next week was incorrect.

The Special Order given by Congressmen Weber, Walker, and Gingrich will be held immediately following regular business on Monday, May 21. Its purpose is to finish entering into the record Frank Gregorsky's article entitled "What's the Matter with Democratic Foreign Policy?".

If you have any questions call Sally Follmer, 52331.

Sincerely,

VIN WEBER.

The SPEAKER pro tempore (Mr. DE LA GARZA). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. WEBER. Mr. Speaker, I would also point out to the body that we received communications from four of our colleagues—the gentleman from California (Mr. EDWARDS), the gentleman from California (Mr. BATES), the gentleman from Massachusetts (Mr. FRANK), and the gentleman from Colorado (Mr. WIRTH)—indicating that they could not participate in today's special order even though their names are mentioned at some point.

Three of those gentlemen are not mentioned in the section that I am going to begin reading into the RECORD in a moment. The gentleman from California, Mr. EDWARD's name, will be mentioned. We extend to them an invitation to discuss their comments or anything else in the Gregorsky report at their convenience.

Again, Mr. Speaker, I am going to pick up the Gregorsky report at the point at which my other colleagues left off.

Quoting from the Gregorsky report:

Indeed, when Republican Representative TOM COLEMAN (R-Mo.) of Missouri offered an amendment instructing the President to study the likely U.S. costs for refugees displaced by "Cuban- and Nicaraguan-directed revolution," he was attacked by Democrats LES AUCOIN and BARBARA MIKULSKI (D-Md.). AUCOIN said the amendment should cover refugee effects of the "full-scale regional war which the [U.S. backed] covert war is leading to." [32]

Mikulski trashed her own nation for any and all refugee problems, saying, *"(I)f you practice gunboat diplomacy, you have to be prepared for the lifeboats on your shore."* [33]

In supporting the Wright amendment, which would give $80 million to allied governments to interdict arms shipments to El Salvador, as opposed to a policy of directly aiding Nicaraguan rebels for the same purpose, many of its 234 sponsors claimed to be for "overt" aid against "covert" aid. This was true in some cases, because there aren't 234 House Democrats with a Radical worldview.

But those Democrats who set the tenor of the debate made it clear they opposed any U.S. aid to the anti-Marxist rebels in and around Nicaragua. The House vote against covert aid was their victory more than anyone else's.

Unlike the in-and-out Grenada operation, the battle between pro-West and pro-Soviet forces in El Salvador and Nicaragua continues. Radical doctrines of friendliness and some aid were tested in the early part of the Sandinista regime. There was a rare chance for a different tack from 1981 on. The "big stick" of veiled threats, covert aid to rebels and area maneuvers by U.S. gunboats was supposed to keep the Sandinistas in line.

In late 1983, there appeared signs that seemed to contradict the notion that new Marxist regimes progressively harden into totalitarian dictatorships. On December 1, 300 counter-revolutionary activists were let out of prison, and junta leader Daniel Ortega amnestied dissident Miskitos who've resisted government social engineering attempts in northeast Nicaragua. Some 2,000 Cuban teachers and technicians were asked to go home. The promise of elections in 1985 was made again; later the date was moved up to November 1984.

□ 1440

Exiled Nicaraguans based in the United States doubt such promises. Lucia Salazar, a director of the Nicaraguan Democratic Force, said in October 1983: "What kind of election do you think can be held in a country where there is no free press, there is no freedom for anything? Even the bishop's sermons are censored." (Mrs. Salazar's brother was killed by Samoza in 1979, and her father murdered by Sandinista secret police the following year.) [34]

Defenders of Reagan's hard-line approach said Ortega and Co. were talking sweetly because they were scared, and because the redemption of Grenada from murderous Marxist chaos in late October made them nervous. The London Economist thought there was some connection:

> The American pressure seems to be having an impact. There has been more Sandinista readiness in recent months to talk to neighboring countries about a peace settlement for the region as a whole. A quarter of the Cuban advisers in Nicaragua, as well as some of the Salvadoran guerrilla leaders, have departed. And the flow of arms to El Salvador has dwindled, at least for a time . . . (A) pattern seemed evident.[35]

Not to people with a radical worldview. It is a McGovernite article of faith that military power has nothing to do with political negotiation: America can only force Marxist regimes to do bad things; the good things they decided to do on their own. Democrats said the Nicaraguan initiatives vindicated the radical worldview: the Marxists there were reaching out to the U.S. in spite of its belligerence, and it was time to sit down and negotiate in good faith.

The Kissinger Commission report had the effect of restraining, or at least further confusing, a few of the more discreet Democrats like Representatives MIKE BARNES and JIM WRIGHT. In the main, tho, it didn't move the rank and file of the House Democratic Caucus; neither did the El Salvador's spring 1984 elections (the first phase of which was called by the Economist "probably the freest in the country's history").

Footnotes appear later in the RECORD.

Representative GEORGE MILLER told a town meeting in Los Angeles that Kissinger and Co. were "never able to support its argument that the national security stakes for the United States in El Salvador were very high." Said MILLER:

Institutionalized murder by the government of El Salvador is made possible by the dollars given by this Administration with the consent of the Congress. The very survival of the oligarchy and the military corruption depend on the existence of the death squads, on political repression—and on American dollars . . . We have made El Salvador into a client state and now we are a captive of that client.[36]

Yes indeed, it's a struggle to divest oneself of unworthy allies. Congressman MILLER leaves the correct stones unturned. In his 900-word statement no blame is attributed to any Communist element anywhere. "Communist" is a term not mentioned; "Marxist-Leninist" is, prefaced by so-called. MILLER's statement was put into the RECORD by TOM DOWNEY.

Radical notions have been consistently voiced in the case of Nicaragua, but tested less finally than in Southeast Asia. Modern history would indicate we should be grateful for that. But this is a continuing story.

GRENADA: NOTHING FAILS LIKE SUCCESS

Marxism came to the tiny Caribbean island of Grenada in March 1979. Leftwinger Maurice Bishop took over from rightwinger Eric Gairy when the latter was out of the country.

The Bishop government spent the next 4½ years working with Cubans, Libyans, Russians, and East Europeans on weapons importation and economic modernization, the centerpiece of which was a $70 million airport suitable for regional leftwing operations.

Regime documents published in the March 1984 Catholicism in Crisis revealed a systematic effort to discredit organized religion.[37] Mass meetings and Marxist slogans were promoted, but there were no reliable reports of torture or other Communist commonalities.

Bishop put Grenada on alert in March 1983, saying that an invasion by the U.S. was imminent; that may have been designed to wake everyone up, Grenadians not being a people given to political hysteria.

After it was destroyed, U.S. politicians debated whether Bishop's government was acceptable or not. He never held elections, but a Time reporter said in May 1983 that he'd have won them because of the airport. "The Grenadians have been asking for this airport for almost 25 years," wrote William McWhirter, and the Cubans finally gave it to them." The government's 1982 budget was $2.5 million in surplus, and international debts were being paid back.[38]

Bishop and his partners were more Communist than they were efficient, and filling the gap with training from people who were both.

An objective estimate in mid-1983 might have been that Grenada itself was no threat to the United States, but it was run by forces keen on helping those hostile to U.S. policies in the region. Bishop supposedly came to have doubts about his hard-line junta colleagues. Without putting public distance between Grenada and its Cuban backers, he went to the U.S. in June 1983. President Reagan declined to meet with him, creating an incident from which American politicians later drew specious conclusions.

Bishop on the 7th did meet with National Security Adviser William Clark, and notes of the Grenadian ambassador show that Bishop was happy with the meeting and promised to lessen his anti-U.S. rhetoric.[39]

The pro-Bishop skeptics needed rationalizations, because on October 13, he was arrested. A day later Deputy Prime Minister Bernard Coard looked to be in charge. Yet Coard disappeared a week later, the Marxist-dominated Army, led by Gen. Hudson Austin, seized power and murdered Bishop, along with three Cabinet ministers and two pro-Bishop Union officials.

Now it's what JFK used to call "the hour of maximum danger."

On October 20, Grenada is once more the focus of attention. A 24-hour shoot-to-kill curfew is declared by military authority that hasn't even been recognized by Cuba as the new government. Five hundred U.S. students at St. George's medical school are apprehensive, if not terrified.

Grenada's neighbors, who tolerated Bishop with reluctance, are appalled at what's replaced him. Agents of Jamaica, Barbados, St. Vincent, St. Lucia, Dominica, and Antigua approach the Reagan administration; they propose a 7-nation military operation to displace Grenada's military rulers, restore order and (ultimately) democracy.

On Saturday, October 22, the President agrees. The next day, 256 U.S. marines are killed by a terrorist-driven truck of dynamite in Lebanon. Two days later, on the morning of Tuesday, October 25, the Grenada rescue operation commences. Sixteen U.S. servicemen are killed in its first few days. All the medical students are flown home, many grateful for delivery from chaos.

This is the backdrop for the reactions of rank-and-file congressional Democrats in the October 25-November 11 period. The Grenada operation stuns the Nation, unnerves the press (excluded from its decisive, opening stages), and sends dozens of Democrats into fits.

The rest of the Grenada story can be told entirely in short quotes. On one side are Democrats anxious to sanctify the Bishop regime and vilify their own country, on the other is a collection of news and opinion from liberal, noncongressional elements, Caribbean politicians, and typical Grenadians.

Here are literary snapshots of a radical worldview at peace with itself and at war with a U.S. victory for human rights.

Congressman PETE STARK (D-Calif.) on the House floor October 25:

It is essential now that the President has shown his true colors that the Congress take control of the situation . . . and bring this insane Reagan foreign policy back into line . . . (T)he President has been itching to try something like this ever since he was elected. He loves to throw American weight around, and where better than in a small island with no armed forces within our own hemisphere.[40]

President Tom Adams of Barbados:

There has seldom been in these islands such virtually unanimous support in the media and at political and popular levels for such an action so potentially divisive. West Indians have shown that we have a view of our future that is democratic, peaceloving, devoted to constitutional and not arbitrary government.[41]

Congressman TED WEISS (D-N.Y.), in the House October 26:

There is no way of distinguishing what we are doing in Grenada and what [the Soviets] have done in Afghanistan . . . In ordering the invasion of Grenada, Ronald Reagan has adopted the tactic of the Japanese attack on Pearl Harbor as the new American standard of behavior.[42]

Prime Minister Eugenia Charles of Dominica, in Washington October 25:

(T)hat these men who had for all these years accepted the Bishop regime should then . . . decide to destroy the persons whom they had accepted as their leaders for so long, made us realize that this sort of assassination must not be allowed to continue . . . It means that our people there are not safe. It means Grenadans have not been given the chance to choose for themselves . . . (I)t is necessary for us to see to it that they have the opportunity to do so.[43]

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Congressman CHARLES SCHUMER (D-N.Y.), in the House October 25:

There are two stated reasons for this landing. The first is to protect American lives, a policy we could all agree with, except [that] the head of the medical school . . . there said not a single American life was a jeopardy. The second stated reason is a more dangerous one . . . that our nation should bring order and democracy and stability to this small island of 110,000 people.[44]

Democratic columnist Mark Shields, November 11:

House Democrats . . . were so eager to believe the worst of the United States that they rushed to embrace a medical school dean they had never heard of but who said there was no threat to the safety of the American students. Unless the Democrats can rid themselves of the overtly anti-American nonsense that was so apparent in the House on the days of Grenada, they will be rejected by people who know better: American voters in 1984.[45]

Congressman CHARLES RANGEL (D-N.Y.), in prepared House remarks November 3:

There is a common thread that links the events in Lebanon and Grenada to our commitments in El Salvador and Nicaragua . . . the philosophy of an Administration that takes great pride in using American soldiers and proxies to intervene in the internal problems of sovereign nations . . . Bishop might not have been killed if the Administration had not rebuffed his overtures and sought to isolate him.[46]

George Bernard, a 50-year-old Grenadan taxi driver, in early November:

In 1978 we had two, three, four, five cruise ships a day. Last year we had one or two a week, and this year one a week. Everything for the poor man has gone up [in price, under Marxist rule] . . . oh, they kill us. Cubans work on the airport. Grenadians don't get the work . . . I have to work in the garden to maintain my family. Right now I feel more confident. I feel more happy, and I have to say, Long live Reagan! [47]

Congressman DON BONKER (D-Wash.), in the House October 25:

[This Administration uses] military force to deal with diplomatic problems. Just last month, 4,500 U.S. troops were involved in manuevers in Honduras. Last week American troops and naval forces were sent to intervene in the Iranian-Iraqi war, if necessary . . . (C)ommitting U.S. troops in Grenada is shocking and it flies in the face of the President's condemnation of Soviet interference in other countries.[48]

Morton Kondracke, in a late October column:

Some . . . have likened the U.S. invasion to the Soviet invasion [of Afghanistan] in 1979, but when the Soviets moved in they murdered a prime minister who had shown some independence of Moscow and they have kept 100,000 troops in the country to impose their will on a hostile population, using poison gas in the process.[49]

Congressman ED MARKEY, in the House October 25:

Mr. President, where does all this military intervention end? . . . Are the Marines going to become our new Foreign Service officers? Mr. President, the American people don't want a shoot-first, ask-questions-later foreign policy. Mr. Speaker, gunboat diplomacy has a new king. Move over, Teddy Roosevelt! [50]

Mark Shields, from that November 11 column:

These House Democrats remind one member of the Gilbert and Sullivan line about the "idiot who praises with enthusiastic tone every country but this one, every country but his own." [51]

George McGovern, October 25:

[The move is] utterly irresponsible [and] part of a pattern of foreign policy errors—a growing litany of invasions and deaths suffered by Americans.[52]

Martin Williams, a Grenadian farmer, on the 17-plus random deaths caused by Gen. Austin's troops just before they shot Bishop and several others:

It was a day like today, very hot. The armored car came and blasted two shots BOOM! BOOM! at the crowd . . . A lot of people died. It was a massacre. I never thought in my life that I would see people shoot at their own people. I just can't believe that people would do that. It was savage, inhuman, wicked.[53]

Congressman MAJOR OWENS (D-N.Y.), in the House October 26:

(T)he invasion of the tiny island of Grenada is illegal, immoral, and a wasteful expenditure of human lives . . . We must reject this new policy which implies that the United States is responsible for maintaining democratic institutions in all the countries of the Western hemisphere . . . Let the people of Grenada work out their destiny.[54]

Liberal columnist William Raspberry, late November:

A month after the Marines landed in Grenada . . . the invasion remains without legal, constitutional or moral justification. [But], notwithstanding the transparency of President Reagan's after-the-fact attempts to justify the dismantling of a leftist government, the Grenadian people may be better off as a result of U.S. highhandedness.[55]

Congressman ROBERT GARCIA (D-N.Y.), in House remarks October 25:

Grenada is not a democracy; it has not been willing to lessen its ties with either Cuba or the Soviet Union. Yet the Administration made no real attempt to alter the course of Mr. Bishop's government diplomatically. It, instead, chose to isolate Grenada which, in effect, pushed it closer to the Cubans.[56]

Morton Kondracke once more:

The evidence seems to be exactly to the contrary. The minute Bishop showed signs of tilting ever so slightly away from Cuba, he was ousted and murdered. That is the appropriate parallel to be drawn between Grenada and Afghanistan.[57]

Senator JOHN GLENN (D-Ohio), quoted on NBC-TV October 25:

If our mission there is to protect American lives, then we should evacuate those who want to leave and quickly remove our forces.[58]

A street vendor in front of a pastry shop in Grenada, as two U.S. warplanes fly overhead:

Good enough. They come to us as the peace force.[59]

Congressman DENNIS ECKART (D-Ohio), on the House floor October 25:

This is nothing more than supply-side foreign policy. They supply the war. We supply the troops. We supply the arms. We supply the munitions, and now we supply the bodies too.[60]

Non-voting Delegate BALTASAR CORRADA (D), in the House October 26:

I live in Puerto Rico and we are very close to Grenada . . . We are not dealing with an established government. They do not follow the basic rules of civility and order. This action was necessary to protect the lives of 1,000 U.S. citizens and other foreign nationals, but also to protect the life and well-being of the citizens of Grenada.[61]

Congressman JIM SHANNON (D-Mass.), in the House October 26:

Maybe [Reagan] will listen to a little advice from Mr. [George] Gershwin. If Gershwin were alive today, perhaps he would consider this rewrite:

You like po-ta-to, I like po-tah-to
You say Gre-na-da, I say Gre-nah-da
Po-ta-to, Po-tah-to, Gre-na-da, Gre-nah-da,
Let's call the whole thing off [62]

Mark Shields:

At the beginning of each day's session of the House, any member can take the floor to make a one-minute statement on any topic. Because television prefers its speeches short and punchy, excerpts from these "one-minutes" . . . offer an insight on what members believe is important and wish to be recorded upon.[63]

Senator PAT LEAHY (D-Vermont), in the Post October 27:

The SPEAKER pro tempore (Mr. DE LA GARZA). Will the gentleman suspend?

The Chair must advise the Member to remind himself of the rule with regard to Members of the other body during his discussion.

Mr. WEBER. I thank the Chair.

Junior James, a young government welder in Grenada:

I didn't like the scene before, but now it has changed. I am glad for the change. I hope it's for the better. (I) had friends in the Army, but most of them were forced in. Some of them were just there to make a living, and everybody has to live. The bigger guys were pressing them to go in.[65]

Congressman DON EDWARDS (D-Calif.), in the House October 25:

(T)he American invasion . . . is against the law—18 U.S.C. 960, the Neutrality Act, makes it a crime to organize, initiate or begin a hostile expedition against a foreign country with which the United States is at peace. I have written to the Attorney-General pointing out that it is his responsibility to enforce the law.[66]

Martin Williams to a visiting Post reporter in early November:

Write the truth. The people in Grenada welcome (the U.S. invasion). There are no two ways about it . . . The Communist people made you feel it's a crime to achieve, to sacrifice, to help yourself. They take your heart away.[67]

From the Christian Science Monitor October 31:

Strongly hostile to what the President had done were Senators Gary Hart, Alan Cranston, Ernest Hollings, and former Senator George McGovern. Supporting the military action in Grenada was former Governor Reubin Askew, who comes from a state with strong anti-Castro sentiments. Cautiously critical were the two front-runners, former Vice-President Walter Mondale and Senator John Glenn.[68]

Morton Kondracke:

If the Reagan Administration is correct, Grenada was soon to become a major Cuban-Soviet outpost in the Western Hemisphere, supporting subversion not only of neighboring islands, but throughout the region. The presence of 30 Soviets, including a senior general, seems to support the fear.[69]

Congressman RICHARD OTTINGER, in House remarks November 10:

As we approach the new year, I wonder how many people will include the invasion and political management of Grenada in

their assessment of our proximity to Orwell's prophetic novel.[70]

□ 1500

Unidentified woman in a stairway in St. George's, Grenada:

God Bless America. The Americans came to help us . . . Oh, we've needed that for a long time. I am sorry they didn't come sooner.[71]

George McGovern:

The President here has demonstrated again that he's been seeing too many war movies and not enough about the reality of war itself.[72]

Grenadian businessman and activist Richard Gray, early November:

We want to see a lot of the progress of the revolutionary government continued, [altho] we deplored the reduction in freedom under Mr. Bishop . . . We've trying to get together the government again. It's not often you get a second chance.[73]

Congressman TED WEISS, in the House November 11:

The President's invasion of Grenada is . . . an impeachable offense. By ordering the invasion of Grenada on October 25, Mr. Reagan violated article I, section 8 of the Constitution of the United States. He also violated article VI of the Constitution by breaching treaty obligations of this country, under the charters of the United Nations and the Organization of American States, which prohibit the use of force against any other sovereign state.[74]

Odd-man-out Presidential hopeful Reubin Askew, October 25:

We were justified in acting to avoid further bloodshed on the island. This collective action should send a strong message to Fidel Castro.[75]

From the Christian Science Monitor October 31:

If there is anyone who has managed to separate himself from the crowd in this last week, it is . . . Askew. At the New Hampshire State Democratic Convention over the weekend, where all the candidates appeared, it was Askew who drew more boos than cheers when he said Reagan's action in Grenada was "justified".[76]

Congressman DICK CHENEY right after his time in the Caribbean:

Prime Minister Tod Adams of Barbados politely but firmly said that many black leaders around the world would appreciate it if the Congressional Black Caucus would refrain from adopting a paternalistic attitude toward Third World nations. "Do not assume," he said, "that you know better than we what is in our national interest."[77]

Walter Mondale:

They moved ahead of the facts, and in violation of the most fundamental of all principles: nonintervention of one state in the affairs of another. And I'm deeply concerned about it. . . [Grenada] undermines our ability to effectively criticize what the Soviets have done in their brutal intervention in Afghanistan, in Poland, and elsewhere.[78]

From the Wall Street Journal, January 6, 1984:

A Roper poll finds Americans more willing to use armed force. It shows a 12-percentage point increase since 1982 in respondents ready to commit U.S. troops if Russia invaded Western Europe. There is a 14-point rise in those favoring armed intervention if Cubans aided a Communist takeover in Central America.[79]

From the New York Times, January 6, 1984:

A Grenadian doctor said today that under pressure from the army he made up a cause-of-death certificate for Prime Minister Maurice Bishop without ever seeing the body . . . "Austin told me [the bodies of Bishop and his Cabinet colleagues) were all disposed of, buried, and the idea is that I make up something to show they were part of the firing."[80]

Representative WEISS's impeachment resolution, backed by Congressmen JOHN CONYERS, JULIAN DIXON, MERVYN DYMALLY, HENRY GONZALEZ, MICKEY LELAND, and PARREN MITCHELL:

Resolved, That Ronald Reagan, President of the United States, is impeached of the high crime and misdemeanor of ordering the invasion on October 25, 1983, of Grenada, a foreign state at peace with the United States, in violation of that portion of section 8 of article 1 of the Constitution of the United States, including obligations under the Charter of the United Nations and the Charter of the Organization of American States, and the said Ronald Reagan, President of the United States, is further impeached of the high crime or misdemeanor of preventing news coverage of that invasion, thereby impairing the first amendment rights of those seeking to provide news coverage and of the American public in general.[81]

All U.S. combat forces were off Grenada by December 15, 1983.

THE CARTER-MONDALE TEAM LIVES OUT THE RADICAL WORLDVIEW

Jimmy Carter became President and turned his foreign policy machinery over to people scarred by Vietnam. Every one of his top advisers except Zbigniew Brzezinski could be called "doves" if not total defeatists. They came in determined to "avoid another Vietnam."

U.N. Ambassador Andrew Young was so keen on this that in the spring of 1977 he welcomed their U.N. delegates by congratulating the North Vietnamese Communists for beating the allies of the United States and exterminating the entity of South Vietnam. In late September, after welcoming Vietnam's delegation to the U.N., Young told the General Assembly.

I would remind this assembly that Vietnam's struggle for independence was accompanied by a profound struggle within the nation I represent. Ten years ago . . . hundreds of thousands of citizens of the United States came to Dag Hammarskjold Plaza in an attempt to end the conflict. Five years ago I was elected by the citizens of Georgia to the 93rd Congress which amended our military appropriations legislation to cut off funds for the war in Vietnam.[82]

Within 24 hours, Vietnam's deputy prime-minister Nguyen Duy Trinh ripped into the United States., called for Puerto Rican independence, denounced Israel, supported "liberation" of Taiwan, and told Americans to leave Cuba's Guantanamo Bay in Cuba and the Diego Garcia base in the Indian Ocean.[83]

It was a strange time. Conservative forces could do little but fight defensive battles skillfully. From the time of his inauguration through the Soviet invasion of Afghanistan, it could fairly be said that Jimmy Carter as President was implementing a good part of what George McGovern called for as candidate:

He went to Notre Dame to denounce America's "inordinate fear of Communism," something he hoped we'd gotten over. He honored George McGovern's 1972 pledge of amnesty for Vietnam-era evaders of military service. He suggested to Defense Secretary Harold Brown that American and Soviet nuclear arsenals be cut 50 warheads each (Brown gently explained to the new President what that would do to NATO's defense).

He made human rights and arms control his top priority, as Walter Mondale and ALAN CRANSTON would later urge his successor to do, and got a SALT II pact that a Senate 58 percent Democratic could not be trusted to ratify. In 1977, he made overtures to Castro, North Vietnam, Cambodia, and the PLO. In October of that year he invited the Soviets into the Middle East to help forge a comprehensive settlement. He nearly pulled U.S. troops out of South Korea. He preached human rights to Brazil's military government at the cost of four defense agreements that country had had with the United States since 1942. He named South Africa and Chile as the biggest villains in the Southern Hemisphere, and sometimes implied they were the worst in the world.

He refused Egyptian President Sadat's offer to remove Mu'ammar Qadhafi as head of Libya. When Carter was no longer President, Qadhafi helped engineer Sadat's assassination, and had no problem with his overseas diplomats gunning down British policewomen and dissident Libyan nationals.

It is true that Mr. Carter allowed real growth in defense spending, and chafed under congressional restrictions of executive authority to do anything about Cuban forces in Africa. But these were exceptions to generally radical rules.

The Carter foreign policy was sharply different from that of any other post-World War II administration. A case could be made that it worked in Panama, where 5 years later a friendly government runs a once-U.S.-owned waterway and is an ally.

But the only clear Carter success was in the Middle East.

There is a lesson in that. In bringing Anwar Sadat and Menachem Begin to

the peace table, Jimmy Carter was working with two religious men both hostile to Communism, extremely skeptical of the U.S.S.R., and genuinely fond of America and its people. The totalitarian essence of Marxism was absent from this very special foreign policy equation, and Carter's sincerity and evangelism, mixed with billions in American aid, brought relative normalcy to Egyptian-Israeli relations.

It is hard to see where else the Carter foreign policy bolstered U.S. interests. It did not keep the Soviets from invading Afghanistan, or from helping its allies use poison gas in Southeast Asia. It did not get Castro out of Africa or make Yassir Arafat recognize Israel's right to exist. It did not reverse or even slow the nuclear arms race. It did not turn rightist authoritarian regimes like those of Brazil, Chile, and Guatemala into democracies. It did not get us a friendly Nicaragua—it did not even get us a neutral one.

In every equation which had a high Marxist factor, foreign policy according to the radical vision of the world, as tried by the Carter-Mondale administration, simply did not work.

It was not a case of Jimmy Carter being an incompetent leader; it was a case of his analysis of the world being incompetent.

A more skilled President with the radical world view would simply be more effective at implementing more incompetent decisions.

In the last year of his Presidency, it might be said that Jimmy Carter began to understand the nature of America's adversaries. His December 31, 1979, comment to Frank Reynolds about the brutal nature of Soviet aims is a monument to the power of revelation, and the stellar example of why Jimmy Carter belongs outside the pantheon of his fellow postwar Chief Executives. They knew about Soviet designs when they were sworn in.

□ 1510

Yet it is doubtful, had Jimmy Carter not been the one man most responsible for U.S. interests in a baffling, hostile world, that he would have ever had that insight. To judge from his attacks on Reagan policies in Central America, he has forgotten it. It is easy to forget when you (a) do not live in the countries your idealistic policies risk the communization of, (b) do not have to take direct charge of American foreign policy in a world that consistently unravels the radical world view, and (c) want to be a good Democrat.

POP QUIZ: HOW DEMOCRATS MAKE FOREIGN POLICY

Imagine you are an experienced speechwriter in the office of a senior lawmaker who exemplifies foreign policy radicalism. Your assignment, on short notice, is to come up with an alternative to the Kissinger report on Central America. Following the historical formula and using the rhetorical guidebook demonstrated so far, it should be easy. There is a rich vein of thought to draw from.

First, inventory your stock code words and phrases:

President (blank) fell short in his reach for a bipartisan blank check for his failing policies in (fill in country or region).

Search for diplomatic and political alternatives to more guns, more soldiers and more killing.

Long history of U.S. misunderstanding and miscalculation in (fill in region).

We have been unwilling to allow (fill in region) to solve their own problems.

Done grave damage to our standing in (fill in region) with our readiness to resort to raw military might to protect relatively narrow interests.

Negotiation is more likely to succeed than escalation.

More Peace Corps volunteers and fewer soldiers.

Adopt a policy that will encourage peaceful change instead of fueling the fires of violent revolution.

The (fill in name of ally) army does not have, and cannot win, the confidence, trust, and support of the people.

Order the fleet home; the fleet is nothing more than provocation without a purpose, an invitation to another Gulf of Tonkin incident.

Yes, all of these will do nicely. Some of them came out of the Vietnam and Angola files; they have a familiar, reassuring ring to them. They sound so reasonable, and the conservatives are tired of arguing against them and sound like Joe McCarthy when they do.

The boss' memo calls for laying out the "fundamental defects in our past conduct in the region." that will be a cakewalk:

One. The United States has intervened far too frequently in the internal affairs of other countries in this hemisphere. Such a legacy has left many Central Americans skeptical of our professed adherence to democracy and self-determination. The Kissinger report is classically interventionist.

Two. Too often we have used our superior economic and military power as a substitute for a steady and balanced foreign policy based on our own best values.

Three. The United States has allied itself far too frequently with the forces of reaction and repression in the region. Most Central Americans live in poverty, ill health, and illiteracy alongside small, oligarchic elites living in enclaves of luxury.

Four. Our policies have been distorted because we view the problems of the region through the prism of the Cold War.

That looks good enough. But better get out the foreign policy checklist, good for any part of the world, to make sure dogma is not deviated from. Let us see—yes, here is what to do and not to do:

First, do not mention the word "Communist" unless quoting an administration official you want to ridicule for using it.

Second, same for "Marxist." If the United States has a good-for-nothing ally it is wrongheadedly propping up, refer to that ally's internal enemies only as "the opposition"—which sounds vaguely democratic—and come out in favor of "bringing its leaders into the political process"—even though those leaders think the political process and free elections are incompatible.[84]

Third, do not leave any doubt that we forswear American military force in the region. Call for cutting off aid to our corrupt "allies."

Fourth, if there are Communist governments allegedly making trouble in the region, blame whatever they are doing on the United States.

Fifth, if there is a legacy of instability in the region, blame that on the United States too.

Sixth, do not mention the Russians or Cubans.

Seventh, say that we should end poverty but do not get into details. After all, everyone knows the United States cannot really end poverty anywhere, but it helps to state that as the ideal goal besides which all other options look immoral.

Eighth, allude to Vietnam and say there are still lessons to be learned.

Hmmm, yes, pretty standard fare. After all this time you know the checklist by heart. You would have followed it even if you had not dug it out of the file cabinet. But what about a positive Democratic program for Central America, after shredding Kissinger's report? This will require some inventiveness, but not too much:

Give the Nicaraguan Government some space to carry out its pledges of free elections for 1985 and insuring freedom of speech and religion inside Nicaragua.

Talk directly with Nicaragua about compliance with the Contadora 21-point plan, the single best hope for a negotiated settlement.

Press for unconditional negotiations between the Government of El Salvador and its opposition.

Discontinue our support for Reagan's war against Nicaragua.

Terminate the perpetual military maneuvering in Honduras, and halt the trend that is turning Honduras into a Central American version of Tansonhut airfield.

There, that about does it. It is good that the boss and his colleagues figured all this out so long ago; it makes

thinking and writing and policymaking so easy. A little time on the word processor and these notes and paragraphs can be whipped into a smoothly flowing attack on the Kissinger report and the administration's Central American policies.

They were. For all the enumerated checkpoints, code words, phrases and proposals, see Senator EDWARD KENNEDY's op-ed in the January 15, 1984, Washington Post.

DEMOCRATS IN TROUBLE

Jean Francois-Revel:

Each time the [European] Left feels the need to believe that the Communists have changed, are changing, will change. Each time their hopes are disappointed as they learn of some fresh proof of totalitarianism, either in the East—in Budapest, in Prague, in the Gulag—or at home in the ranks of their Communist allies. And each time the Left fails to make the connection between this latest event and all the similar events that preceded it.[85]

Revel is a Frenchman, proud of the ideals of Socialism. France must be one of the few places in the world where Socialism is not incompatible with a firm foreign policy. In the Totalitarian Temptation, he condemns apartheid and the excesses of capitalism. He knows the machinations of the fringes to his left because he has seen them close up, for decades.

In that sense, the U.S. Democratic Party would profit from a lively, publicitywise Communist Party to its left, perhaps with a few of its members in Congress. Democratic leaders would then see close up the gnarled-minded Moscow sycophants, blood relatives of the chaps they are willing to trust in Nicaragua and El Salvador.

Our Democrats would have the chance to constantly relearn the lessons Revel takes as doctrine, the insight that did not dawn on Jimmy Carter until after 3 years of White House mistakes.

Revel writes:

It is characteristic of the neurotic—and I am using the word in its literal sense—that he responds to reality with behavior based on fantasy. He is unable either to adapt to reality or to understand it. That is why his behavior is ineffectual.[86]

If we grant the sincerity of all the McGovern Democrats say about the world, then they, as of 1984, are in real trouble. They mean well but are not equipped to do well. The prognosis is bad, as everything conspires against the end of radical neuroses.

Republican responsibility for foreign policy invites Democrats to criticize irresponsibility. Eagerness to look serious on deficits tilts most Democrats toward defense budget cuts. The temptation to woo a grassroots antinuclear movement is overwhelming for most of the party's politicians. The domination of the House Democratic Caucus by the Vietnam generation renders leaders who should know better—TOM FOLEY and JIM WRIGHT, to name two—unable to put the party on a centrist path. The domination of the preprimary Presidential nomination process by radicalized activists, many of whom got their start in 1968 and 1972, forces candidates hungry for meaningless straw poll showings to move left.

Take a close look. There follows reference to Members of the other body, which I will delete.

Quoting one of the Democratic Presidential candidates:

Under Ronald Reagan, America's vision of a world of peace and freedom is being blasted by the guns of the U.S. Navy off the coast of Lebanon, by the guns of the U.S. paratroopers in Grenada, and by the guns of U.S. helicopters in Honduras and El Salvador . . .[93]

No one blinked, no one balked. This was common rhetoric. At another candidate forum February 23, Barbara Walters asked what Walter Mondale would do as President if notified that the U.S.S.R. "had launched a limited, nuclear attack on one of our European allies." That is an old, if incendiary, question in Presidential campaigns. It has been answered since Truman's time by saying an attack on a NATO ally would be the same as an attack on the United States; the rest is left to imagination.

□ 1520

But Mondale said:

Almost by definition, it's important that that question not be answered, either way. We need a strong deterrent force to prevent it. And above all we need arms control to reduce the risks . . . All we know is, if that happens, in all likelihood we will have an escalation, a nuclear war, and the human species will be destroyed.[94]

A Mondale administration will thus regard the nuclear defense of its Western European allies as the precursor to "the destruction of the human species." He answered the question, whether he meant to or not.

Walters also asked the Democratic hopefuls what they would do if a Communist-led guerrilla movement was about to take over Mexico. She said, "It is an internal matter, but Mexico is on our border. What would you do?" Here are representative samples from six of the eight candidates, with emphasis on the textbook slogans of radicalism.

From one of the candidates:

If the government requested our assistance, I would give that serious consideration . . . But what I would've tried to do beforehand is deal with the real problem of revolution, which is not Communism, it's poverty . . .

Mondale:

We have made more mistakes over the last 60 years believing that [we should impose] our notion of what, say, the Government of Nicaragua ought to be . . . and the net result is one of bitterness, suspicion, and hostility toward us . . . We have to let these people develop their own traditions, their own history, and their own respect for themselves, and show some restraint. We can't solve anything with an American gun.

From Jesse Jackson:

Our embracing of the landed gentry of the banana republic, our embracing the Somoza regime—we've helped create a mess. We're about to make the same mistake of embracing the wrong side of history . . . Nicaragua this past week made a judgment, to call for an election in November—we ought to recognize that government right now. We ought not to embrace El Salvador's . . . killer regime.

From another candidate:

In country after country in Latin America, we have been indifferent to the poverty. We have backed tyrants or even imposed tyrants on the people. We are not doing that in Mexico. Mexico tells us, "Stop doing what you're doing in El Salvador, stop backing the tyranny there, stop trying to overthrow the government of Nicaragua, and we will then be able to take care of our problems."

From George McGovern:

I agree with [Cranston] all the way. One of the things we need to be skeptical about is [your] hypothesis . . . that a revolution . . . coming out of Mexico would necessarily be a Communist revolution . . . The government [in Mexico] is reasonably responsive to the needs of its own people. The reason you had a revolution in Nicaragua that overthrew Somoza is because he was a miserable crook who should've been overthrown . . .

From George McGovern:

We're embracing the most unpopular military dictators in the world and everytime we do it we recruit people for the Communist cause.

Reubin Askew took a position somewhere between those six and what another candidate said. Anyone who has come this far in this paper could have probably guessed, down to words and phrases, the responses of these candidates.

There follows a reference to a Member of the other body.

Only once in the 1984 nomination campaign did Mr. Mondale make a serious effort to sound less than radical on foreign policy. Still desperate for votes after his March 13 victories in Alabama and Georgia allowed him to escape being driven out of the race by GARY HART, Mondale picked a fight with HART in the Illinois primary. The issue was troops in Honduras.

Mondale said HART's stance, identical to McGovern's in pledging to top all U.S. military action in Central America, meant "pulling the plug" and showed lack of foreign policy experience. He said in Chicago on March 14 that U.S. troops in Honduras might be a "bargaining chip" to get Cubans out of Nicaragua.

His opponent hit back over a week later, after blowing his lead in Illinois and losing to Mondale by 6 percent, with a commercial designed to rally the Vietnam generation in Connecticut and New York. It showed a fuse burning away, leading inexorably to another Vietnam.

To quote from that ad:

When President Reagan sent out troops to Central America he called them advisers. Remember Vietnam? Our troops now serve as bodyguards to dictators and are a slow-burning fuse to war. Vice-President Mondale agreed with President Reagan and said he too would leave some of the troops there as bargaining chips with Nicaragua. And he attacks Gary Hart for forcefully saying get them out. Our sons as bargaining chips . . . Will we never learn?

The ad was judged even by conservative observers to have been powerful, if less than responsible or accurate. HART was pushing panic buttons deep in the psyches of Democratic voters in the 25-40 age group. Mondale must have sensed this, because he understands those panic buttons as well as his opponent; he had pushed them since the early days of Richard Nixon's Presidency. So Mondale could not sustain the battle he launched for purely tactical reasons in Illinois. He caved.

In a televised debate, 6 days before the April 3 New York primary, Mondale challenged his opponent to remove the ad. His opponent did not. Mondale stressed how dangerous he thought the Reagan stance in Central America was and went on to spell out how he agreed with his opponent on Central America.

Mondale had nothing bad to say about Nicaragua, and nothing good to say about El Salvador. In the end, Mondale's only difference with his opponent was on United States troops in Honduras. Mondale called Honduras a democracy that could use some American help.

At about the same time, Honduras held an election. This made Mondale less squeamish, but did nothing to change his principal opponent's "out now" stance.

The issue faded from the Democratic campaign. A week later Mondale resumed his attack on his principal opponent for not endorsing the nuclear freeze early enough. Mondale had learned his lesson about trying to challenge his opponent on foreign policy from the center; he wouldn't believe what he had to say and it would unnerve the party activists. So don't do it; better to pursue retroactive purity on the freeze.

Commentary in late March showed an overvaluation of the Hart-Mondale jousting on Central America. Ben Wattenberg, a founder of the Coalition for Democratic Majority formed in 1973 to counter McGovernism, started feeling better about Walter Mondale. He denounced HART for taking the Democrats down the McGovern trail and predicted Mondale would win the nomination and stop the rot. Earlier, CDM executive committee chairman Penn Kemble was quoted by reporter Fred Barnes as being "encouraged" by Mondale's "general tone of realism." [96]

Washington Post columnist Stephen Rosenfeld went further, detecting a "fundamental difference" on Central America between HART and Mondale. "Mondale supports the Democratic Party's familiar, centrist, anti-communist internationalism . . ." [97]

Really?

Mondale is the man who, while occasionally admitting that the U.S.S.R. is a tyranny and something for us to worry about, has no generic complaint against Communism; he's given no speeches since the 1960's that are anything like the typical JFK speeches of 1960-63. In 1971 he voted to cut U.S. forces in Western Europe by half. In 1972-73 he voted for deep cuts in the Trident nuclear submarine program. The American Security Council found Mondale siding with KENNEDY and McGovern on 40 key national security votes during 1968-76. [98] He turned against the MX as soon as he left Carter's payroll.

In the New York debate Walter Mondale seemed genuinely shocked that GARY HART could consider him less than a pure dove on Central America, and hastened to reclaim his position on the left.

Mondale has put far more blame on Reagan than on the Soviets for the absence of an arms control breakthrough. He dodged Barbara Walters' questions on defending the relatively pro-U.S. status quo in Western Europe and Mexico. He's eager to admit that supporting the Kennedy-Johnson Vietnam policy was "the worst mistake of my political life," and has no obvious complaint with anything that's occurred in Southeast Asia since 1975.

Walter Mondale doesn't come across as a hawk in any part of the world or any major issue of defense policy. That clear-eyed observers such as Wattenberg, Kemble, and Rosenfeld want to see him other than he is indicates that long-time Democratic centrists are as blind to the essence of modern Democracy as modern Democrats are to the essence of Communism. People outside the elected national Democratic community habitually want to believe the party will rediscover its tough-minded, internationalist roots.

□ 1530

Some CDM leaders had hopes for Jimmy Carter in 1976. He seemed less liberal than MORRIS UDALL, Frank Church, or Jerry Brown, had supported Nixon on Vietnam, was from a "patriotic" part of the country, and had the gumption to attack Ford and Kissinger for detente in a televised debate four weeks before the 1976 election. That was the last anyone saw of Jimmy Carter's JFK tendencies.

In 1979, I had a college professor who was both a hawk and a Democrat. He was eager for TEDDY KENNEDY to take the nomination from President Carter. Reason? Kennedy would provide an alternative to Carter's defeatist foreign policy. Was this the TED KENNEDY who hadn't uttered a hawkish word since brother JFK died? Same one, said the professor: KENNEDY was really a "pragmatist" at heart who'd woo the center to win the White House. Scoop Jackson hoped so, too.

Jackson advised KENNEDY in January 1980 to revive his campaign by moving to Carter's left on domestic policy and to Carter's right on foreign policy. In his famous Georgetown speech of January 28, 1980, KENNEDY took half of Jackson's advice, coming out for wage-price controls and gas rationing.

In his even more famous "dream will never die" speech to the Democratic Convention that August, KENNEDY said not one word about foreign policy. It was just as well for credulous academics and Senator Jackson that he didn't, for KENNEDY was incapable in 1979-1980, and has been since, of saying anything that contradicts the radical world view. And when a politician sketches the world according to radical precepts, as Congressman SOLARZ does in appendix A, the results can embarrass.

In 1984, after JOHN GLENN's campaign collapsed in Iowa and he opted for a last-ditch stand in Alabama and Georgia, Wattenberg did a CBS radio commentary touting GLENN's chances. GLENN was now the only moderate left in the race, said Wattenberg, and could rally the traditionallist Democrats who exist in the South if they exist anywhere.

The question after March 13 was whether they exist anywhere. In Alabama, the Mondale-HART-Jackson vote totaled 74.9 percent, and in Georgia 78.7 percent. GLENN quit the race 2 days later. Yet Wattenberg still didn't realize the CDM dream was dead, finding encouragement in Mondale's trivial differences with HART over U.S. forces in Honduras.

This is not an attack on Wattenberg, or Rosenfeld, or the professor from West Georgia College. It's the basis for an observation that elected national Democrats get away with moving further left because nonelected, CDM-like centrists have no impact on what Presidential candidates and congressional caucuses do. None at all.

The centrists should stop hoping for a JFK revival in the Democratic Party infrastructure of 1984.

The Democratic Party steadily moves toward becoming the U.S. equivalent of the British Labor Party. The trend is there in House debates, in voting patterns, in the compromised leadership of JIM WRIGHT and ROBERT BYRD, in the pandering of Presidential candidates to caucus activists, in the immediate and alarmist reaction to Reagan's move into Grenada, in GARY HART's incendiary TV commercials, and in the way the once-unorthodox George McGovern blended right in

with 1984's Democratic Presidential candidates.

On March 1, 1976, departing U.N. Ambassador and a future U.S. Senator endorsed Henry Jackson for President at a Boston news conference. The gentleman said:

The world is a dangerous place, and we need a man who's got the stomach for it. In our party that man is, in my view, Scoop Jackson . . . The Russians would regard the election of Senator Jackson at the strongest possible signal that they better start taking the United States seriously.

Jackson is dead, and the Democratic Party and Walter Mondale send other kinds of signals nowadays.

Either the party or the Nation has real problems. The party has a problem if it's like, and is perceived to be like, the British Labor Party. It won't get direct control of the reins of power, and will grow even less responsible in its isolation. The Nation has a problem if a party given to defeatism and the systematic obliteration of history takes total charge of foreign policy, and reruns the Carter-Mondale administration making more mistakes more skillfully and with more ideological unity.

It may be even worse than that. Perhaps both America and the Democrats are faced with a leadership crisis.

The British Labor Party was only pulled back from pacificism in late 1930s by the overwhelming presence and mortal threat from Adolf Hitler. What's on the scene that would so change the American Democratic Party? What could the U.S. afford to withstand that could wake up the rank and file who learned every wrong lesson imaginable from Vietnam, and then stopped learning?

The ultimate horror of Vietnam may be that it wrecked the competence of one of our parties to manage American interests in the world.

CONCLUSION

Imagine you're the parent of a large brood of children. They like to go for walks in the forest back of your house. You tell them there are rattlesnakes in the woods, and every week one of your kids disappears, or turns up later the victim of poison and knowing from whence it came.

The remaining children, the ones who did not disappear or get bit, cry, "It didn't happen the way they say. It has nothing to do with snakes." But they don't know why they are losing their brothers and sisters. They're either baffled as the weeks grimly go on (and there is one fewer family member at each Sunday dinner) or they assume the missing siblings are better off in whatever new world they've become part of.

The typical national Democrat in 1984 doesn't know why—or speaks and votes as if he doesn't know why—nations turn totalitarian and stay that way. It might be the fault of Reagan, or Somoza, or General Thieu, or a falling GNP, or Lon Nol, or Nixon, or a Cuban dictator from 30 years ago.

But Communists are never to blame.

Radicals are sure that Iron Curtains, Pol Pot holocausts, and the end of free elections in country after country has nothing to do with the inexorable will to power individuals driven by communism and steered by the U.S.S.R. Today's Democratic politicians look at each newly threatened nation in isolation, their only constant being Vietnam-era chants and a refusal to understand a world consistently contemptuous of their world view.

The SPEAKER pro tempore (Mr. DE LA GARZA). The time of the gentleman from Minnesota (Mr. WEBER) has expired.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Chirndon, one of his secretaries.

THE GREGORSKY REPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WALKER) is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, I yield to the gentleman from Minnesota (Mr. WEBER).

Mr. WEBER. I thank the gentleman from Pennsylvania for yielding.

I have just a few paragraphs left that will conclude the reading of the Gregorsky report and then I will return the time to the gentleman from Pennsylvania.

Again quoting from the Gregorsky report:

That worldview forecasts with perhaps 80-percent accuracy what Messrs. DOWNEY, DODD, BONKER, PELL, MARKEY, HARKIN, HART, and Mondale would do directing U.S. foreign policy.

It ought to unnerve you.

These Democrats are the older siblings of the children dead in the woods or slowly dying from snake poison. Communism is the snake they know isn't in the forest. They write off the lost children and pooh-pooh the sickly stragglers. They play games that call for going into the forest again, with good faith and high hopes. They criticize their parents, their aunts and uncles, who fear for the survival of the remaining children. They urge the weakest and youngest of their brothers and sisters to go back in.

"Trust us. It will be okay next time. You'll see how safe the forest really is."

FOOTNOTES

[32] Debate and vote on Coleman's amendment is pp. H. 5841-43.

[33] Ibid., p. H-5842.

[34] Interview with Salazar, *Washington Times:* October 20, 1983, p. 3C.

[35] "Mined," an editorial in the London *Economist:* April 14, 1984, p. 15.

[36] Rep. Tom Downey inserted colleague Miller's speech in the Congressional Record: April 4, 1984, pp. E-1419-20.

[37] "The Grenada Documents: Archive Of Church Subversion," including a "New Jewel Movement" history of the local church and plan to subvert it, *Catholicism In Crisis*, pp. 37-41.

[38] "Revolution In The Shade," *Time:* May 2, 1983, pp. 39-39.

[39] Reed Irvine, "The Grenada Papers," *AIM Report:* January-A 1984.

[40] Rep. Pete Stark, "U.S. Invasion of Grenada," *Congressional Record:* October 25, 1983, p. E-5103.

[41] As quoted in RNC publication *Talking Points.*

[42] Rep. Ted Weiss, "Administration Is Destroying Constitutional Framework of the United States," *Congressional Record:* October 26, 1983, p. H-8640.

[43] As quoted in *Washington Post:* October 26, 1983.

[44] Rep. Charles Schumer, "Administration's Foreign Policy Gets More And More Confusing," *Congressional Record:* Oct. 25, 1983, p. H-8582.

[45] Mark Shields, "Reflexive Anti-Americanism," *Washington Post:* November 11, 1983, p. A17.

[46] Rep. Charles Rangel, "Lebanon And Grenada: A Pattern of Violent Diplomacy," *Congressional Record:* November 3, 1983, p. E-5320.

[47] Phil McCombs, "Grenada, After The Yanks," *Washington Post:* November 3, 1983. This is a priceless piece of journalism that by itself undoes 98% of what House Democrats said during the days of Grenada.

[48] Rep. Don Bonker, "Committing U.S. Troops To Grenada Is Shocking," *Congressional Record:* October 25, 1983, p. H-8579.

[49] Kondracke's column was put into the *Congressional Record* by Rep. Henry Hyde on November 1, 1983, p. E-5258.

[50] Rep. Ed Markey, "Teddy Roosevelt Supplanted As King Of Gunboat Diplomacy," *Congressional Record:* October 25, 1983, p. H. 8580-81.

[51] Shields.

[52] This combined McGovern quote comes from the October 26, 1983, *Washington Post* and a film clip on the October 25 NBC-TV news special, "Grenada Invasion."

[53] McCombs.

[54] Rep. Major Owens, "The U.S. Risks Becoming Scapegoat For Grenada," *Congressional Record:* October 26, 1983, p. H-8640.

[55] William Raspberry, "A Caribbean 'Showcase,'" *Washington Post:* November 28, 1983.

[56] Rep. Robert Garcia, "The Tragedy of Grenada," *Washington Post:* October 25, 1983, p. E-5109.

[57] Kondracke.

[58] "Grenada Invasion."

[59] McCombs.

[60] Rep. Dennis Eckart, "Supply-Side Foreign Policy," *Congressional Record:* October 25, 1983, p. H-8582.

[61] Delegate Baltasar Corrada, "We Were There When Needed," *Congressional Record:* October 26, 1983, p. H-8641.

[62] Rep. Jim Shannon, "Let's Call The Whole Thing Off," *Congressional Record:* October 26, 1983, p. H-8641.

[63] Shields.

[64] "O'Neill Defends U.S. Policy On Marines In Beirut," *Washington Post:* October 27, 1983.

[65] McCombs.

[66] *Congressional Record:* October 25, 1983, p. H-8578.

[67] McCombs.

[68] "Presidential Candidates Split on Reagan's Grenada Tactics," *Christian Science Monitor:* October 31, 1983, p. 3.

[69] Kondracke.

[70] Rep. Richard Ottinger, "Welcome To 1984," *Congressional Record:* November 10, 1983, p. E-5460.

[71] McCombs.

[72] Film Clip on *The McLaughlin Group*, October 29, 1983.

[73] McCombs.

[74] Rep. Ted Weiss, "Impeachment Resolution Statement of Introduction," Congressional Record: November 10, 1983, p. E-5446.

[75] "Grenada Invasion."

[76] *Christian Science Monitor.*

[77] Rep. Dick Cheney, "What Bonker Missed," *Washington Post:* November 14, 1983.

[78] The composite Mondale quote comes from the October 29 *McLaughlin Group* and p. 3 of a January 23, 1984 American Security Council report,

"Foreign Policy of the Democratic Presidential Candidates."

[79] *Wall Street Journal*, January 6, 1984.

[80] "Grenadian Disavows Bishop Death Certificate," *New York Times*, January 6, 1984, p. A5.

[81] Weiss, pp. E-5446-47.

[82] "Young Warmly Welcomes Vietnam Delegation," *Human Events:* October 1, 1977, p. 4.

[83] Ibid.

[84] Rep. Henry Hyde (R-Ill.) wrote in the *Washington Times* April 25, 1984:

"As of March 22, assassins had killed five members of the Salvadoran constitutent assembly—the equivalent of murdering 36 U.S. congressmen. Imagine if terrorists murdered 36 members of Congress. Do you think there would be some concern about the identities of the assassins, their political orientation?"

American Democrats strong-arm our democratic allies to enter into "unconditional negotiations" with the people that kill their legislators.

[85] Revel, p. 52.

[86] Ibid.

[87] RSC staffer Dan Fisk, in a March 8, 1984, special report, puts Glenn's "evidence" in context:

"As for the 'documented' figures of the 'Salvadoran Catholic Church,' the source is the Legal Aid Office of the Archdiocese Commission for Justice and Peace (known as Tutela Legal). It is interesting to note the following description of Tutela Legal's counting system from the Department of State's 'Country Reports on Human Rights Practices for 1983.'

" 'Tutela Legal's figures on civilian deaths, mostly of guerrillas supporters (masas) that occur during military engagements or operations, now account for almost 80% of Tutela Legal's overall total civilian victims of political violence' (p. 55).

"The State Department report goes on to note that when one subtracts 80% of Tutela Legal's numbers the result is equal to that 'attributable to political violence reported in the Salvadoran press,' the main source for State's numbers on political violence.

"(State determines political violence-related deaths by factoring out deaths as a result of common crime, which State admits is not always easy, and people involved in a battle situation.)

"For 1983," wrote Fisk, "State's analysis attributed 1,677 deaths to political violence of the political left and right. The 1982 total was 2,629 . . ." (p. 5)

"For the period October 1979 to June 1983, 12,870 deaths (including battle-related) were attributed to the left by Radio Venceremos (operated by the guerrillas), Radio Sandino, Radio Havana, Radio Cadena (Costa Rica) and various Central American newspapers and wire services. In all, for October 1973 thru June 1983, leftist violence was responsible for 21,945 citizens killed, wounded, kidnaped or held hostage. And for 1983, 2,974 Salvadorans were reported killed by the guerrillas." (p. 4)

[88] *MacNeil-Lehrer News Hour*, August 19, 1983. Author's tape.

[89] *McLaughlin Group* Candidate Speical #2, December 10, 1983. Author's tape.

[90] "All Democratic Hopefuls Ask House to Block MX Funding," *Washington Post*: October 27, 1983.

[91] "Five Democrats Would Alter U.S. Policy in Africa, Caribbean," *Atlanta Journal & Constitution*: July 3, 1983, p. 20-B.

[92] Ibid.

[93] Alan Cranston, *Iowa Democratic Forum:* February 11, 1984. Author's tape. See also, "Cranston Asks $38 billion Defense Plan Cut," *Washington Post:* February 10, 1984.

[94] This and the next seven quotes are from the *New Hampshire Democratic Forum*: February 23, 1984. Author's tape.

[95] Ibid.

[96] Fred Barnes, "The Death Of The Jackson Wing," *American Spectator:* March 1984, p. 26.

[97] Stpehen S. Rosenfeld, "Back To Vietnam," *Washington Post*: March 29, 1984.

[98] ASC "Foreign Policy of the Democratic Presidential Candidates."

[99] *CBS Evening News*: March 1, 1976, Author's tape.

Mr. Speaker, that concludes the study "What's the Matter with the Democratic Foreign Policy," by Frank Gregorsky of the Republican Study Committee. As I mentioned at the beginning of my statement, the first two-thirds of that study were read into the RECORD on May 8 by the gentleman from Georgia (Mr. GINGRICH) and the gentleman from Pennsylvania (Mr. WALKER).

Before I yield to my colleague from Pennsylvania, I would just like to say this paper makes a very important point. It is a study of Democratic foreign policy. It is an analysis to the foreign policy of the liberal wing of the Democratic Party in the last 14 years. It is a serious study.

In no way is it an attempt to impugn anyone's patriotism, anyone's Americanism, to make any judgment whatsoever about the motives of Democratic politicians on the left, but it is an attempt to review 14 years of Democratic foreign policy formulation and make judgments as to the competence of the liberal wing of the Democratic Party to guide foreign policy in the future.

In that context we believe that the Republican Study Committee document, which I just concluded reading into the RECORD, is an essential document of our times that deserves the thorough debate of Members of both parties.

I would be glad at this point to yield to my colleague from Pennsylvania, who controls the time, to engage in a great discussion of this issue.

Mr. WALKER. I thank the gentleman for reading the rest of the Gregorsky study into the RECORD. I do want to reemphasize the point that the gentleman makes. The gentleman has said, as I said at the time I read part of the report into the RECORD, and as we have said since, that there is nothing in this report which is meant to impugn the patriotism, that is meant to in any way suggest that someone may not be acting from the very best of motives.

□ 1540

It is really a revelation of the incompetency of a radical viewpoint about foreign policy. I think that we ought to be able to discuss such imcompetency without having it called an attempt to revert to McCarthyism. It is the kind of thing, it seems to me, which does not serve the interests of this country at all to engage in what I would have to term a reverse McCarthyism to suggest that anyone who disagrees with us is engaged in some kind of a tactic which is wrong. And that, in fact, is the problem with some of the replies that we have heard from Democrats since this study began to be read in the RECORD, that instead of replying to the questions raised by the study, what we have had is their position degenerate into a series of name calling and the questioning of the motivations of many Members on this side of the aisle. That, to me, is a shame, and I think that this kind of study, which does lay out in some detail questions about a foreign policy that has been developing within the radical wing of the Democratic Party for some time, does lay it out in some substance, deserves to have the attention and hopefully, the reply from some of the people who have been responsible for precisely this policy being developed. That is the reason why the gentleman joined me and joined Mr. GINGRICH in inviting a number of our Democratic colleagues to come to the floor, specifically the people who are mentioned in this study, and engage in a discussion of those particular items. We think it would be very useful to have them come out and explain it from their standpoint. We do not want to question in any way their motivation. We do think, though, that it is a responsible area of debate to suggest that if in fact the consequences of their actions are what they appear to be, given the extent of the Gregorsky study, then they should be questioned, and if there are ways of answering those questions, that certainly we invite the members of the Democratic Party to come to this floor, engage in that kind of debate and answer those questions. We will be very pleased, from our point, to answer any questions that might be asked about our version of foreign affairs. We will be very glad to respond to the kinds of questions that get raised from their side about Republican incompetence, from their viewpoint, in foreign affairs. But to engage in simple name calling as an answer to a serious study it seems to me is a disservice to this institution and a disservice to the debate in the country.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I will be glad to yield to the gentleman from Minnesota.

Mr. WEBER. I thank my colleague for yielding, and I just want to emphasize the critical point that he has made. There cannot really be an area that is more important in which to have serious informed discussion and debate than American foreign policy. Our existence as a free society literally depends upon it.

The gentleman makes a critical point in talking about some impediments that are put in the way of having that kind of a discussion today.

In the immediate postwar era, the late 1940's early 1950's, serious discussion about foreign policy was roadblocked by certain individuals who called other Communists. They did not analyze the quality of their arguments, the quality of their debate, they just called them Communists, and that impugned their integrity and patriotism, and so there was not a significant discussion. That was called McCarthyism. The point, though, is that it was the use of emotional labels

to prevent discussions of reasoning, discussions of fact.

Today, as the gentleman from Pennsylvania has pointed out, that very term "McCarthyism" has taken on the same use that the term "communism" was given in the late 1940's, early 1950's. Today, when one attempts to critique the foreign policy pronouncements of anyone on the left, what is the immediate reaction? McCarthyism. And what is the result of that? The result is the same as it was in the 1950's or late 1940's when those such as Senator Joe McCarthy called someone a Communist. You never get to the substance of the argument, you never debate the quality of the colleague's reasoning, the accuracy of his facts; you just debate McCarthyism, whatever that term may be.

What we are trying to do here is to have serious debate over the facts of foreign policy, of our history in foreign policy and over the analysis that some of our colleagues on the left give that.

I thank the gentleman for yielding.

Mr. WALKER. I thank the gentleman. And I think that that is an important distinction to make, that we have said all along that it was not our intention to in any way impugn the motives of any Member of this body or anybody in the country with regard to the release of the material in this study.

I would have to say to the gentleman, though, that for each time they scream McCarthyism, that in fact is an impugning of the motives of those of us who are introducing this particular body of material into the RECORD.

Mr. WEBER. Exactly.

Mr. WALKER. And so that in itself, it seems to me, raises serious questions about the level of debate that the radical wing of the Democratic Party is willing to engage in.

I will be very glad to yield to the gentleman from Nebraska.

Mr. DAUB. I want to thank my good friend for the time. I would take but just a brief moment to refocus a little of our discussion for a minute, while the gentleman from Minnesota, my good friend (Mr. WEBER), is on his feet and in the well, for I want to commend him particularly for this third part of the three-part series which has been read into the RECORD. I do commend it to those particularly whose names have been mentioned, because it may force them, hopefully, in a very constructive way, to rethink some of the narrower views that they may hold and recast them into a broader vision of what this country needs to stand for when it deals with the very complicated and very sensitive processes of diplomacy and foreign policy.

And as I was listening to you today, here it is about quarter of four in the afternoon, it is on a Monday. I recognize some of our colleagues call this the Tuesday, Wednesday, Thursday club. But nevertheless we did conduct business today. In fact, we just received a message from the President. This is not just a normal procedure of shutting down the House and the business of the people, as some may suggest it is, from the look at the wide-angle television lenses or the postscripts so frequently now flashed across the screen under the new rules. But I was fascinated by a part of what the gentleman from Minnesota talked about a little while ago—some of us do pay attention to what these special orders give us in terms of additional information and food for thought—about Central American policy, and the author, in his work, was focusing on liberal foreign policy and some of the misconceptions that some of our brethren not only here in the House but in this 10-mile square, as it is called, bounded by reality, have about that part of the world, and I thought I would contribute to that discussion, particularly of Nicaragua, the following thought:

Last week on the 16th and 17th and 18th of May, my colleagues may recall that Nicaraguans living in this country held a vigil in front of the Longworth Building—that is one of the House buildings on the Independence Street side here in this 10-mile square called the District of Columbia in Washington, D.C.—and it was done to show their support for the Nicaraguan Contras or freedom fighters and in opposition to the ruling Sandinista government.

Flyers that they distributed stated that students and professionals alike had been fighting the Sandinista regime since 1981, originally unassisted. To suggest, as vigil participants pointed out, that the Contra movement would not exist in the absence of United States or CIA funding was an insult to the very principles for which they have been fighting.

The vigil highlighted three fallacies with the liberal foreign policy approach being advocated by some in this country with respect to Central America.

First, Sandinista Interior Minister Tomas Borge's statement that "We will never negotiate with the Contras" is a slap in the face to the idea of regional negotiations which liberals in this country now so adamantly call for.

Second, as the bipartisan Kissinger Commission found, leftist guerrillas in El Salvador "depend on external support" without which "they are unlikely to succeed." If this is the case, why do liberals in this country insist that those fighting the leftist guerrillas should "go it alone"?

Third, while church leaders and liberals in this country object to the administration's Central American policy on humanitarian grounds, why is it that church leaders in El Salvador and Nicaragua differ so markedly in their view of what is humanitarian, with respect to U.S. involvement in that region?

Now, a final point, which is important to raise, I think, is the way in which liberals in this country have framed the debate of Central American policy. Unless liberals are prepared to prove that the threats outlined in the Kissinger report, be they economic, social or security, do not exist, the debate should focus on how, not whether, the United States should apply its military and economic resources to in fact reduce those threats.

I thank the gentleman from Pennsylvania for his time and indeed commend the gentleman in the well for a very, very important contribution to the RECORD relative to our Central American policy.

Mr. WEBER. Will the gentleman yield to me?

Mr. WALKER. I thank the gentleman for his statement, and I yield to the gentleman from Minnesota.

□ 1550

Mr. WEBER. I thank the gentleman for yielding.

I would like to first of all thank my colleague from Nebraska for his kind words and for his participation in this special order. I had to be thinking as the gentleman was making reference to that demonstration outside the Capitol last week, by the Nicaraguan Freedom Fighters, that one of the points made by the paper that we have been reading into the RECORD today, involves those people.

For instance, this group of people who are fighting for their freedom in Nicaragua were branded by one of our colleagues, the gentleman from New York, our friend, Mr. DOWNEY, as "thugs, brigands, and thieves." Now that characterization is on page 46 of the Gregorsky report.

Another one of our colleagues, Congressman HARKIN, went on to say about the Sandinistas:

> Now, those who say the Sandinistas are not boy scouts, I agree they are not boy scouts, but compared to the Contras, whom we are supporting, they are Eagle Scouts.

Now it is the quality of that kind of analysis, in this case from Messrs. HARKIN and DOWNEY, but throughout the paper from a number of past and present Members of the House, that we are trying to bring into question here today. Not their motives; but is their analysis sound, is their judgment sound. Are they giving us the right kind of advice. After talking with some of those fine people who were up here last week demonstrating for the freedom of their country, the people the gentleman from Nebraska referred to, I can conclude that they could not be more wrong than they are in branding

those people "thugs, brigands and thieves."

Mr. WALKER. The gentleman from Nebraska made another good point that I think we ought to emphasize. The gentleman makes the point that we are here at about 3:45 in the afternoon holding this discussion. One of the charges made last week in the course of discussing whether or not we had fairly presented the first two-thirds of this document was a discussion of, No. 1, were Members adequately informed so that they could come to the floor and reply to this particular information within the document, and secondly, whether or not it was fair to do this late at night when the House had completed its business and everybody was going home to dinner and so on.

One of the choices that we made in deciding when we would put the last third of the report into the RECORD was to do it on a Monday afternoon when we, taking a look at the legislative schedule, assumed that we would be done by midafternoon. So that in the normal workday that most Americans would regard as being reasonable, sometime before 5 o'clock, we would be on the floor, holding this discussion so that the rest of the Members could come over and participate. It would not be late at night.

Second, that we would make certain that they were adequately informed.

I yield to the gentleman from Minnesota.

Mr. WEBER. I am glad that gentleman made that point and I tried to emphasize this when I opened my remarks. I would like to just walk through that point of advance notice.

On last Thursday morning, I announced to the House in a 1-minute speech at the opening of legislative business that we would today indeed be reading into the RECORD this last third of the Gregorsky report. So that was the first notice. I also announced that Members would be receiving by page written notification that their names were going to be mentioned when this report was read into the RECORD.

That written notice was distributed on Thursday. So on Thursday, I announced it in the well of the House, Democratic Members whose names are mentioned received written notice.

Mr. WALKER. And we know that they got it because a number of Members have since replied to the gentleman, is that not correct.

Mr. WEBER. Yes. Furthermore, I was approached by two Members, the gentleman from North Carolina (Mr. ROSE) and the gentlewoman from Colorado (Mrs. SCHROEDER), to obtain copies of the report. So we, after supplying several copies of the report out of our own office, I believe five or six of the copies of the 72-page report were Xeroxed in our machine and distributed to different Members. The gentleman from North Carolina (Mr. ROSE) then said that he would take responsibility for distributing to Members on his side of the aisle copies of the report.

So everyone on the Democratic side knew about this happening last Thursday. That seems to me to be adequate notice. Furthermore, we received notification from four Members that they could not be here because of a conflict in their schedules. The gentlemen from California (Mr. EDWARDS and Mr. BATES), the gentleman from Massachusetts (Mr. FRANK), and the gentleman from Colorado (Mr. WIRTH). All of the other Members, presumably, could be here to participate or at least did not think it significant enough to respond.

Why there is no one here to talk about it here today is a little bit beyond me.

Mr. WALKER. Let me make a point. This is that the four gentlemen that have indicated that they could not be here because of time conflicts, and we understand that, we will be perfectly willing to schedule time with them.

If they want to come to the floor and talk at some other time, we will be perfectly willing to come back and debate on the floor at a time what is convenient to them, but I have to go along with the gentleman. It puzzles me, given the nature of the notification received; the time during which this discussion is taking place, it is rather interesting to note that no one has seen fit to come to the floor and engage in a debate over these issues.

Now, that raises the question then of whether or not they simply do not want to debate; whether or not there are other things that are more important to them. You know, there may be a whole variety of reasons why they are not here. But the fact is that they are not here. That the cameras panning the floor at the present time will show that there are approximately six or seven Members here during this time, which is more than were here during the regular legislative business in some cases today, but that they are all on the Republican side.

The Republicans are here to discuss this issue; the Democrats are not here to discuss the issue.

I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

I guess the gentleman is making the point that what we are engaged in today is what is known sometimes in political circles as an empty chair debate. Is that right? That is where you notify Members of the opposing side that you will be talking about a certain issue and debating it before the public and they have an opportunity to come forth and participate in the debate if at 4 o'clock in the afternoon, which is a time when most Americans are working in the factories and farms and businesses across the country, they do not want to be on the House floor debating, and in fact we have to make our points to empty chairs.

I, nonetheless, think they are very good points that you have made, and I applaud you. I was reminded when you were referring to the allegation by the Speaker that he thought that some Members were accusing other Members of being un-American. I guess today, I think what we are going to develop is a new response in the American Baseball League now, where if you are a baseball player and you are hitting .150 and the local newspaper prints your batting average, you can call up the sports editor and accuse him of questioning your patriotism by printing your batting average. I think that the Speaker has developed a great new response for hitters that just cannot seem to hit that ball.

Mr. WALKER. I thank the gentleman for his point. It is important to note that last week when the Speaker came to the floor and demonstrated his outrage at what happened, what he said over and over again was the fact that it was unfair what had happened. That there was no notification, and so on and implied that the reason why the Members could not be here is because they did not know about it. Had they known that these things were going to be said, they certainly would have been out here on the floor to defend themselves, and that this debate would have taken place, and it was just terribly unfair that the Republicans were out here doing this without notification. The fact remains that today when notification was given days in advance, an entire weekend in between copies of the report were distributed so that they would know precisely where we are coming from, they are still not here.

The Speaker this morning held a press conference in which he is quoted as saying that after consulting with his staff, even though he was notified that he could come to the floor today and debate with us, we will be very happy to engage in a debate over these issues, that he was in consultation with his staff, he decided it a better part of judgment not to come to the floor and engage in a debate. The question is why? Why will they not debate? Why will not the Speaker debate?

I yield to the gentleman from California.

Mr. HUNTER. Is the gentleman saying that there will be more empty chair debates in the future in which we will bring up issues like the balanced budget that the American people want to see? The President's comprehensive crime control package;

it will make America a safer place, if it ever passes this House.

Mr. WALKER. I hope they will not be empty chair debates. I would hope that the Democratic Party is confident enough of the positions that it takes on national issues that it can at least come to the floor and engage in a discussion, a meaningful discussion, a high-level discussion about the issues that matter to the American people.

□ 1600

Our contention from the beginning has been that those issues are not going to get to the floor through the regular legislative schedule; that the Speaker is over and over and over again making it clear that there are some issues that this Congress will not discuss if they have to come up as a part of the regular legislative schedule.

The one time that they can come up is if we bring them up during special order time. We do not want empty-chair debates out here. We would like to see a full Chamber. We would like to see Members come to this floor and talk about these issues flat out so the American people can see them. Let the American people decide who is on the winning side.

The only thing I can determine is that the Democrats have come to the conclusion that those of us who are talking about the balanced budget, who are talking about a foreign policy that has strength as its major component, who are talking about line-item veto and voluntary school prayer, are on the side of the American people and that they are not about to come to the floor and appear to be in opposition to the things that they think the majority of Americans are for. So they are better staying away, that America is better off seeing empty chairs on the Democratic side of this House, than to see them out here telling us what their real views of those issues are.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from California.

Mr. HUNTER. I would hope that our friends on the Democrat side of the aisle would come to the floor when the next empty-chair debate is held and fill those chairs, not because they are embarrassed by the wide-angle lens which shows that they are not here, but because they really think those issues are important.

I would ask the gentleman: You mentioned some other issues that we are going to be talking about in these empty-chair debates. The crime control package passed the other body some 91 to 1. That is the President's comprehensive crime control package that has about 42 points. For example, it would make the dangerousness of the criminal a criteria that the judge could look at when he is releasing accused criminals back into society or back into the community pending trial, something that would protect the American. It includes sentencing reform, and a number of other things.

Could the gentleman tell me how long the crime control package has been bottled up in this House of Representatives which is not meeting today at 4 o'clock in the afternoon?

Mr. WALKER. Well, obviously for months and months and months it has sat there, and the chairman of the subcommittee that has jurisdiction over a large portion of the package evidently feels it is more important to look at issues of drugging race horses than to look at the issues with regard to controlling crime in this country and stopping our kids from getting drugged.

Mr. HUNTER. Mr. Speaker, if the gentleman will yield further, incidentally, does the gentleman have a notification with him, the notification that was given today? Have we got one of those notices around?

Mr. WALKER. The gentleman from Minnesota earlier put that notification into the RECORD at the beginning of his remarks.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from Minnesota.

Mr. HUNTER. Could the gentleman describe the notice that was sent out prior to this empty-chair debate?

Mr. WEBER. Certainly. I thank the gentleman for yielding.

Mr. Speaker, I first of all announced in a 1-minute speech at the opening of business on Thursday that I was going to be holding this special order and that written notice would be arriving by page in the offices of Democratic Members that day. I will read the text of the letter. It is very brief. There is an error in the letter, which I am sorry for, but it actually heightens the amount of notice it sent out.

DEAR COLLEAGUE ——: On Monday, May 22, during Special Order time, we will be entering into the RECORD the final third of a Republican Study Committee document entitled "What's the Matter with Democratic Foreign Policy?" written by Frank Gregorsky. The first two thirds of the report were entered on May 8.

Because your name is one of those mentioned in the report, we wanted to give you advance notification of our actions, and invite you to participate in our special order. After we complete the document, we look forward to an open and frank dialogue with any Member who wishes to come to the floor of the House.

We look forward to this very important discussion of foreign policy and the RSC report.

Sincerely,

VIN WEBER.
BOB WALKER.
NEWT GINGRICH.

Then, if I can say so, the original letter that was sent out had the date wrong. It says Monday the 22d. So we sent around by page again a correction, drawing their attention to the first notice, saying that we had gotten that date wrong, and it was Monday, May 21.

As the gentleman knows, all that does is heighten the kind of notice that was given. There was plenty of notice given. We received over a dozen phone calls in our office on Thursday and Friday from Members whose names were to be mentioned in the report asking for copies of the report, and we have accommodated them, and with the help of the gentleman from North Carolina (Mr. ROSE) on the other side, have supplied presumably copies to all of the Democrats whose names were mentioned.

So there was plenty of notice, and as I pointed out also, four Members who received this notification responded to us and said that for various reasons they were unable to be here today, but 49 names are mentioned in the report, 49 individuals who were invited to come down and join us. Four of them said they could not for good and valid reasons, Messrs. EDWARDS of California, BATES of California, FRANK of Massachusetts, and WIRTH of Colorado. The other 45 were notified and made no indication whatsoever that they could not be here. there could be 45 people sitting over there to debate, but they choose not to.

If I could just take 1 additional minute, I think we have to focus on why. We are talking about a critical foreign policy discussion here today. Literally, the future of the free world and our security as a nation depends on our conduct of foreign policy. What people have to begin to understand is that it is becoming very clear the Democrats do not want to have that debate. That is why they are not here today.

The Speaker tried to cut off that debate last week when he came down into the well and debated with our colleague from Georgia (Mr. GINGRICH) by first of all screaming that there was no advance notification on the initial reading of the report into the RECORD, and then by alleging that we were all impugning Democrats' patriotism.

The point is, the one thing they do not want to do is debate the history of Democrats' foreign policy. People have to understand that they are going to do everything they can to avoid that serious debate and, instead, turn it into a debate over McCarthyism or allegations of un-Americanism, or things like that. We really need that kind of a debate.

These same people will stand in the well day after day castigating the President's foreign policy when he is,

of course, not here to debate it. That is all right. They have every right to criticize the President's foreign policy, but they do not want to talk about their own foreign policy, and that is an important point.

I thank the gentleman from Pennsylvania for yielding to me.

Mr. HUNTER. Mr. Speaker, will the gentleman yield for one last point?

Mr. WALKER. I would be glad to yield to the gentleman from California.

Mr. HUNTER. I would like to ask about some ground rules for these empty-chair debates that are commencing and will be taking place in the foreseeable future.

When an advocate of another point of view comes on the House floor, when the other side comes on the House floor, realizing that whoever has taken out the time has the time, you realize that it is within the power of the individual who has the time to deny a chance to answer to somebody who wants to respond.

I would simply ask the gentleman: Is it not our intention and our policy that any time those empty chairs become full, or become filled, and a Member comes down and wants to debate with us, we will yield him as much time as he needs to make his point? We will yield very readily and let him argue with us, let him debate with us. Is that not our policy?

Mr. WALKER. I would say to the gentleman that anybody who wants to bother to look at the RECORD compiled since the beginning of this session will find that that is precisely the case; that any time the Democrats have come to the floor to engage us in conversation on issues, any time that there has been an attempt to come and debate, we have readily yielded to the other side. We have tried as best we could to have a two-way dialog and to make certain that we did not use our control of the time to shut off discourse from the other side of the aisle.

That is the fair way to proceed. That is what is fair. I must say that we too often see instances during the regular legislative sessions when the Democrats control the time that we are not extended the same courtesy but, nevertheless, that will not be the policy here during special order time. Anyone who comes here to debate us can be assured that we really do want to debate and that it does not serve our interests to have them simply come to the floor and then not yield to them. We certainly want to yield to them. We certainly want to hear from them.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentleman from Pennsylvania for yielding, and I would just make a point.

Some Democrats, on occasion, rare occasion, have come down here, as the gentleman pointed out, and if I could just mention a few of them, I know on various occasions the gentleman from Oregon (Mr. WEAVER), the gentleman from Montana (Mr. WILLIAMS), and just last week the gentleman from Washington State (Mr. LOWRY) have all come to the floor, and I am sure that those individuals would readily concede that we have been more than willing to yield of our time to them.

Mr. WALKER. The gentleman from Texas (Mr. LELAND), the gentleman from Kansas (Mr. GLICKMAN), and there have been others who have come to the floor, and in each instance that I have been aware of, they have been yielded to readily. As a matter of fact, even if we had to cut into a dialog that we wanted to have, we have tended to bend over backward to yield to the Democrats who came to the floor, simply because we think the dialog would be good for the country. We think that contrasting the two parties on this floor, contrasting the policies of the mainstream of the two parties on this floor in real debate would be of immense value to the American people, would be of immense value to this institution.

□ 1610

We are disappointed that that kind of dialog does not take place in the regular legislative sessions as a result of the Speaker's intention to control the schedule in such a way as to not allow many important issues to the floor, and it cannot take place in the special order time because of the Democrats' refusal to come to the floor and debate.

Mr. WEBER. Mr. Speaker, will the gentleman yield to me?

Mr. WALKER. I am glad to yield to the gentleman from Minnesota.

Mr. Speaker, I would just add, mainly for the benefit of those who might be watching all this and who are not fully familiar with the House rules, that people may come to the mistaken conclusion that perhaps only Republicans can take out special orders, that the Democrats who would come to the floor are subject to our whim as to whether or not we would yield to them, even though we have shown on every occasion that we are more than willing to yield.

I would just point out, of course, that that is not the case. Special order time is equally available to Republican and Democratic Members alike. Any Democratic Member who wants to come to the House floor can have 1 hour's time that he controls. And they can do that on any occasion they want. They can do so today. In fact, there are Democrats who have reserved special order time today. We have no idea whether or not they will utilize the time.

The point is that we raise issues they do not want to talk about. If they did want to talk about them, they would schedule them during the regular business and we would not have to take out special orders. But we cannot debate any of these issues during the regular business of the House of Representatives because the Speaker steadfastly refuses to schedule debate on any of them.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I think the gentleman has made a great point here. Time and time again, when Democrats and Republicans go back to their districts throughout America and speak in their townhall meetings and in their halls and at the schools and everyplace where they talk with their constituents, constituents ask, "Is there a chance we can bring up a balanced-budget amendment and have a vote on it in Congress?"

I know that because my constituents, Democrats and Republicans, in my district, which I think is pretty representative of California and the United States, ask on a regular basis, "When can we bring up a balanced-budget amendment?"

And I wonder how many of those Members from the other side of the aisle, how many of those Democrats, tell those constituents, "We are not going to bring up the balanced-budget amendment because we do not want to bring up the balanced-budget amendment."

How many of them really tell them what the facts are, and that is that the balanced-budget amendment is bottled up in the so-called graveyard for legislation in the Judiciary Committee, as I think it was called in the Congressional Quarterly in one of its recent editions, and that it is never going to get to the House floor for a vote?

Mr. WALKER. Mr. Speaker, my guess is that in many of those districts what they are told instead is, "In fact, I would love to vote for the balanced-budget amendment."

The Democrat goes back to his district and says, "I would love to vote for it. I think we ought to have it out there on the floor, but, you know, the congressional leadership just won't let it out. We have got some people within my party that will simply not let that out on the floor, and I am doing everything I can to try to get it to the floor." So people in their town meetings probably get that kind of an explanation.

What they do not say is who elected the leadership. Who in the first caucus came up here and voted for the leadership that is holding up the legislation? Who in fact installed the gen-

tleman from Massachusetts as Speaker of the House? The Republican side did not. We all voted for BOB MICHEL.

So that the question that has to be asked is that not only will they not debate the issue but they also then go back home and obfuscate the issue in a way that it seems to me misleads.

If they would come to the floor where we could draw a contrast between the two parties, where we could have a debate about who really does believe in a balanced budget, who really does believe in a tough anti-crime program, and who really does believe in a tough foreign policy, it seems to me at that point we could begin to pin the tail on the donkey. And that is exactly what happens out across the country.

This is pretty controversial stuff. I would be the first to admit that. The Gregorsky study of Democratic foreign policy is a pretty tough study. There is nothing out of bounds about it. It is simply that it is a tough analysis of what the Democratic Party has been doing for the last 50 years. It really does pin the tail on the donkey, and it seems to me that a party worth its salt would come to the floor when that kind of a tough study is made and defend its actions, but that is what we do not see. Rather, we see name-calling characterizing their reaction rather than a credible defense based upon a credible policy.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding.

I want to be understood that we are not just here to criticize. I kind of think of us perhaps, in bringing out this Gregorsky study, as the equivalent of batting coaches on a baseball team, and we want to see some of those .150 hitters and some of those guys who have not had a hit yet get up to a .300-batting average where they are analyzing the real world in a real way and where their foreign policy becomes something more pragmatic than what it is right now.

If they are going to make policy, if our colleagues are going to help us make policy on the House floor, we want them to get those batting averages up. So we are not here simply to criticize them for these .150 averages, although that is apparently what they have, according to some of the predictions that are made and that are manifested in the Gregorsky study.

I would ask the gentleman this one more time. I think it should be made clear that we are going to talk about the balanced budget in one of our next empty chair debates, and we would ask the Members from the other side to come into this Chamber, to fill those empty chairs and to tell America and tell us why we have not been able to even vote on a balanced-budget amendment. I think that that is a lot better than going back to those town-hall meetings and stuttering and stammering and saying, "Well, you know, we have got some people in the leadership that don't want to bring it up."

I think we ought to be accountable and people should come forth and tell us why we cannot bring up a balanced-budget amendment.

Mr. WALKER. Mr. Speaker, I thank the gentleman, and I think that is appropriate to some notification right now that that is a debate topic that is going to come up, and that we ought to say that that is one of the things we notify Members that we are going to discuss.

Mr. HUNTER. Mr. Speaker, if the gentleman would yield, we have a friend from the other side, the gentleman from California (Mr. BROWN), and he, I think, wishes to address that subject, so I would ask the gentleman to yield.

Mr. WALKER. I am glad to yield to the gentleman from California (Mr. BROWN).

Mr. BROWN of California. Mr. Speaker, I appreciate the gentleman's yielding.

I am not sure what subject the gentleman is addressing, but I did want to make a few comments, if I may be permitted.

Mr. WALKER. I am glad to yield to the gentleman from California.

Mr. BROWN of California. Mr. Speaker, I appreciate that very much.

I was trying to listen in my office to the remarks of the gentleman and to the comments that were being made, as I have on occasion on prior days, and I wanted to say that I think, as you recognize, I would have certain disagreements with much of what you have been saying.

I think you started a process here which is gaining attention and which is constructive, and I would like to contribute to that process. I am not prepared to deal with it at length today, although I had reserved an hour after you gentlemen finished, but I reserved another hour tomorrow and it is my intention—and I wanted to let all of you know—to discuss some aspects of the matters that you have been bringing up.

I am a little behind you because I originally was motivated to do this when we were discussing the Logan Act and some of the aspects of that, and since I am a frequent violator of the Logan Act, I wanted to get my 2 cents worth in on that subject. I will try to use some time tomorrow, with your indulgence, to discuss that, and I want to let you know in advance that while I may mention your names and Mr. GINGRICH's name, I do so with the utmost respect and I do not intend to say anything that I feel you would consider to be derogatory.

That will not conceal my disagreement with you, but I do respect the fervor with which you are presenting a very legitimate point of view with regard to the various issues that you have brought up, the question of legislation that is not being brought to the floor, and the question of foreign policy, and I particularly appreciate the historical references and the fact that you are seeking to encourage a dialog in which we can learn from the mistakes we have made in the past.

I have been tremendously enlightened from that as I have gone back to review some of the history of these situations. Of course, some of that history in the last 20 years or so I have been a part of, and I will be prepared to speak on that.

I was even more intrigued to go back to the early debates in the Fifth and Sixth Congresses and to look at the kinds of discussions that took place, the kinds of attitudes that existed then, and the kinds of factionalism and other problems they had at that time, and I am going to make the point that one of the evidences of progress in this country is the fact that we may be able to participate in a more rational and enlightened debate today than we have been in the past.

While I have tremendous admiration for the Founding Fathers and for their enlightenment and intelligence, I find that there were occasions in which they were torn by emotions just as we are today, legitimate emotions, I might say, but that is not always the best basis upon which to make policy decisions which will guide the course of this great country of ours for future generations.

□ 1620

So I wanted to make some comments on that. Now that I see the gentleman from Georgia (Mr. GINGRICH) is here, I want to pay particular tribute to the historical analysis that he has made and indicate to the gentleman, as I did earlier, that I will comment on some of the points that the gentleman made with regard to the history of the Logan Act and the necessity for a strong executive, the role of Congressmen.

I will try to distinguish some of the areas which I think form the basis of our differences. For example, I think I would agree with the gentleman that no Member of the legislative branch has a right to negotiate contrary to the interests of the executive branch. I think that is sound policy.

On the other hand, as I think the gentleman knows, there is a very difficult distinction to be made between negotiations and free speech, expressing one's views, whether that can be done adequately within the framework of law, and I would like to ex-

plore that with the gentlemen and see if we might reach some agreement.

Again, I want to say from my own standpoint, and I do not pretend to speak for all my colleagues, I think the contribution which you gentleman have made is constructive and that it would be much more constructive if people on my side would respond constructively. I am going to try to respond as constructively as I can to the points the gentleman has raised, despite my own lack of expertise and professional background in some of these areas. I will do the best I can and I hope it will be constructive.

Mr. WALKER. Well, the gentleman I think responded precisely in the spirit that we would like to see these debates take place, I thank the gentleman for his statement and I assure him that if he uses my name in the course of the debate, it will not be the first time around here. That is a rather typical kind of thing. I will not mind in the least. I have become fairly tough-skinned at this point. I think my colleagues would probably agree with that; but the kind of research the gentleman is doing, the kind of intellectural argument that he obviously wants to engage in I think is useful and I thank him because I think that is precisely the spirit in which we would like to see a dialog take place on this floor during the special order time.

Mr. HUNTER. Mr. Speaker, would the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. HUNTER. I will make this short. I appreciate the gentleman yielding.

I appreciate the gentleman from Pennsylvania coming out and talking on this very important subject.

I would like since the gentleman is such a candid individual, I would like to ask him, we have been talking about the fact that we do not debate some of the tough ones, like the balanced budget. I mean, we all have to admit that is a tough one. We have not brought the crime package to the floor and it has been a long time. I mean, the American people I think would want to see it. The other body passed it almost unanimously.

I would ask the gentleman, why do we not bring controversial and tough issues to the House floor, whether they are liberal issues or conservative issues, why does that not happen?

Mr. BROWN of California. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from California.

Mr. BROWN of California. I have a similar question myself as to why we do not bring these issues to the floor. My personal preference, because I am perfectly willing to take the consequences of my own votes, I have made enough votes that did not help me in the past and I am willing to do it again, but I am perfectly willing to see them brought to the floor and debated openly and voted on.

I think quite obviously there is a certain amount of political calculation going on here as to whether or not it would help or hurt Members of my party in connection with the election that is coming up this year and whether the calculation is that the vote would be embarrassing or cause some losses or would cause people to have to take positions they do not want to take publicly, there is an effort made to keep them from the floor.

On the other hand, I think in fairness the gentleman should recognize that some of those issues have on occasion been brought to the floor, sometimes against the will of the majority, and have been voted on with as far as I can see no earth-shaking consequences to the future of the Republic.

I do not make those decisions, although I suppose I should exercise a larger voice in them than I have; but I think that the gentleman has probably correctly pointed out that it is a part of a general political maneuvering in an election year that prevents that from being done.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from Minnesota.

Mr. WEBER. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding and I would like to thank our colleague, the gentleman from California, for the spirit with which he has approached this today, but I want to raise a very important topic that we have discussed here perhaps a little bit and perhaps the gentleman saw us discussing it on C-SPAN.

The gentleman approaches this whole subject in precisely the way that we would hope all Members would, ready to debate a very serious topic. I guess we feel that the whole chance for that kind of debate is threatened when Members on our side of the aisle as soon as they criticize past Democratic foreign policy, they are accused of McCarthyism.

Because the gentleman is a fairminded individual, albeit a man of different philosophy than myself, I would just ask if he understands why that concerns us so much, if the gentleman from Pennsylvania would yield to the gentleman.

Mr. WALKER. I would be glad to yield to the gentleman from California.

Mr. BROWN of California. Well, there are many in this body who were the subject of that kind of attacks in prior years and probably some still bear the scars.

If I can give you a personal anecdote, when I first ran for public office back in the midfifties, I took a radical position at that time with regard to the need to take steps toward normalization of relations with Communist China. That was a no-no. I was accused of being a Communist sympathizer. It was not until a respectable Republican came along who could do that, that it became respectable to do it.

We do not relish rehashing those kind of things. I do not know how you gentleman feel about the normalization of relationships with Communist China. I think it was a good and practical step in the interests of this country. I continued to support it during most of my career. That is one example of how being prematurely right is a great sin here, if I can be so presumptuous as to think I might have been right.

Of course, the other point is that there is a time in the affairs of men when it is proper to take a step and if you take it before then, you are wrong. There may be merit to that position.

Mr. WALKER. Well, I would say to the gentleman, there is no excuse in the political dialog to refer to the gentleman as a Communist sympathizer simply because he takes that kind of position. Once again, the judgment of that position at some given time is certainly subject to question within the political realm. There are some people right now who suggest that we ought to normalize relations with Cuba, for example. That does not make them pro-Communist in any way, shape, or form.

I personally would question that as a matter of international political judgment, but that is certainly no reason to label them "Communist sympathizers." That kind of dialog I think has done harm to the political process.

I think the point the gentleman from Minnesota is making is that we think it does harm to the dialog, too, that when we raise what we think are legitimate questions of policy, then the cry comes from the other side that it is McCarthyism that is being practiced.

Mr. BROWN of California. Mr. Speaker, will the gentleman yield further?

Mr. WALKER. I yield to the gentleman from California.

Mr. BROWN of California. If the gentleman would yield further, I would condemn any effort for the gentleman to express his views with regard to the wrongness of a policy, to suppress or to belittle that view by the use of name calling or anything of that sort. That is something to be condemned regardless whether it is done by my side or by the gentleman's side.

This is one of the reasons why I am such a profound admirer of Thomas Jefferson. As the gentleman knows, he felt that regardless of the errors that men make, as long as they are free to speak their minds and to have their positions reviewed in the light of evidence and rationality, that the Republic will prosper. I thoroughly believe in that. I have no sympathy for those who do not do that.

There is an interesting debate in the Fifth Congress, as I recall, in which just that sort of thing occurred. I have forgotten whether it was the Federalists or the Republicans, and of course the Republicans were the Democrats in those days. I have forgotten which side did it, but the other party was bringing up—it may have been in connection with the Logan Act which I have been looking at recently—brought up the issue for debate and the other side en masse refused to allow that debate to take place. They spoke loudly. They coughed. They booed. They engaged in all sorts of tactics right here on the floor of the House to prohibit the other side from expressing their deeply held convictions.

Well, I hope we will not resume that kind of attitude and practice in the Congress of today. We do sometimes and I think it is something that we should strive very strongly not to do.

□ 1630

Mr. WALKER. Our cousins in the British Parliament get good at that, too, from time to time.

Mr. WEBER. I realize the gentleman's time has just about expired. I just want to make the point that when people called the gentleman from California a Communist sympathizer, in those days they were doing, in my judgment, precisely what some on the left are doing today when they call us McCarthyites. That is, seeking to prevent the discussion of views by just labeling, and throwing in an emotional label that prevents serious discussion.

That is why this whole question of McCarthyism, when that is raised, is such a serious one to us, because it is obscuring our arguments in the same way that that question of Communist sympathizers, or that emotional label was intended to obscure the very legitimate views of the gentleman from California.

I thank the gentleman for yielding.

Mr. BROWN of California. May I make another point? I do not want you to take this in too complimentary a fashion. But I think you gentlemen should all be aware that you are very astute users of the procedures of the House. You are good debaters. You are well informed. You may engender a sense of inferiority, deservedly or not, among some of our colleagues on the floor.

When that happens there is a tendency to react emotionally and you should have sympathy for this, and to understand the possible basis for it.

Mr. WALKER. The gentleman is perhaps too kind. I do not think that we may have considered it from that standpoint because we find ourselves in many cases faced with some very, very astute adversaries from your side of the aisle, too, the gentleman from California not being the least of them.

I know that from the dialog we carry on in committee from time to time.

Mr. BROWN of California. We hope to encourage more of this on our side.

Mr. WALKER. I would agree with the gentleman and say that we would hope to encourage that, too.

Mr. RUDD. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Arizona.

Mr. RUDD. I would like to take an extra moment, if the gentleman would yield, to comment on what you are doing here. I think it is very good.

There has been a lot of publicity given to the fact that the floor is not well occupied, but let me just point out, as I have myself, many of our colleagues are viewing what is taking place here on the televisions in their offices.

But this type of debate and statement and colloquy that has developed here has developed a real constituency, numerically very high constituency across the Nation, showing how interested the citizens of this country are in what happens to our Government and what happens specifically in the House of Representatives.

So I commend all of the people who have participated in this and particularly the gentleman from Pennsylvania today for what has taken place here.

I would also like to commend the gentleman from California (Mr. BROWN) for participating as he has today because it has brought about a feeling within the Members of Congress here that there is something important going on.

Mr. WALKER. I thank the gentleman from Arizona for his comments.

With that, Mr. Speaker, I yield back the balance of my time.

NATIONAL LEGION OF VALOR DAY

(Mr. RUDD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RUDD. Mr. Speaker, I rise today on behalf of myself and 23 other Members of Congress to introduce a joint resolution designating August 4, 1984, as "National Legion of Valor Day."

August 4 marks the 29th anniversary of the granting of the congressional charter to the Legion of Valor of the United States of America, an organization whose membership has included distinguished Americans, both living and dead, who have received our Nation's highest decorations for valor: The Medal of Honor of the Navy, the Army, and the Air Force, and the Distinguished Service Cross, Navy Cross, and Air Force Cross.

I urge my colleagues to join me in recognizing the contributions of the men and women of the Legion of Valor who have demonstrated extraordinary heroism and risked their lives so that others might live and so that all Americans might continue to be free.

I ask unanimous consent that the resolution be printed in the RECORD at this point:

H.J. RES. 573

Joint resolution designating August 4, 1984, as "National Legion of Valor Day"

Whereas August 4, 1984, marks the 29th anniversary of the granting of the Congressional charter to the Legion of Valor of the United States of America, Inc.;

Whereas membership in the Legion of Valor is reserved for the recipients of our Nation's highest decorations for valor: the Medal of Honor of the Navy, the Army and the Air Force, and the Distinguished Service Cross, Navy Cross and Air Force Cross;

Whereas the Medal of Honor is awarded for conspicuous gallantry and intrepidity at the risk of life above and beyond the call of duty;

Whereas the Army, Navy, and Air Force Crosses are awarded for extraordinary heroism in connection with military operations against an armed enemy;

Whereas the efforts and sacrifices of the recipients of these decorations for valor inspire their comrades and all Americans to be a force for liberty and freedom: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That August 4, 1984, is hereby designated "National Legion of Valor Day". The President is requested to issue a proclamation calling upon all Federal, State, and local government agencies and people of the United States to observe the day with appropriate programs, ceremonies, and activities.

McCARTHYISM OF THE LEFT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGRICH) is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I want to talk this afternoon about what I guess, for lack of a better term, might be called McCarthyism of the left and the seriousness of the current crisis in American thought about foreign policy.

Out of the last 2 or 3 weeks the thing which has most disturbed me has not been that the Speaker got angry, nor has it been that we had a large and raucous debate on the House floor, nor has it even been that words were said about me sufficiently strong

that the Speaker had his words taken down.

Those things happen. The House is a human institution and people get angry. We react as humans.

But what disturbs me is both in the columns of some of our more respected news sources and in the speeches of some of our brighter Members of the leftwing of the Democratic Party there is a tendency to assume that the questions we are raising and the outline of concern that we have developed, and that the Gregorsky paper clearly talks about in terms of foreign policy, is either simply a partisan trick or, as one of the gentleman in this House from Wisconsin is fond of repeating over and over again, both in letters to his colleagues and in speeches on the floor of the House, that it is a new form of McCarthyism.

I would suggest that in fact this willingness, this desire to lump all of these serious allegations and serious concerns and serious analyses into a simple phrase is a form of McCarthyism by the left, if by McCarthyism we mean the pattern for politicians to distort and smear and lump together in order to avoid serious dialog.

The case I am trying to make is I think intellectually a very serious case. It is a very straightforward case.

Let me put it simply. I would argue that there is a form of evil in the world: Communism in its Soviet form, and that that form of evil is a tyranny leading to slavery much like Nazism, that they are remarkably similar, and that the European-American intellectual left and now the American political left has a blind spot, is unable to see or think or talk about Soviet tyranny with any kind of understanding. That all of the horrors that existed with Adolf Hitler and the Nazis are horrors which exist today with Chernenko and the Soviets.

It does not mean we have to seek war. It does not mean that we have to rattle the saber.

It does mean we have to be able to talk honestly among ourselves about what is happening.

I would suggest, furthermore, that because the American left has been unable to think openly and seriously and talk about the nature of Soviet tyranny, the nature of what some have called the Gestapo of the left, the nature of the terrorism and the colonies exported by the Soviet Union, the use of Cuba as a Soviet puppet to establish more colonies, because we cannot discuss that in an open and clear way without enormous emotional reaction from the American left, we cannot learn the lessons of the last 20 years and yet they are very grim lessons indeed.

I would suggest that there is real meaning to the fact that today there are Soviet ships in Camranh Bay and not American ships.

□ 1640

I would suggest there is real meaning in the fact that Ho Chi Minh City, once called Saigon, is a city of slavery and terror and work camps and secret police; a city dominated by a Communist colony of the Soviet Union.

I think that it matters that we have captured the documents of a Communist government in Grenada and that we have learned many new things about the Soviet Union and how it acts, because we have been able to see inside that government.

To take just one example, the fact that the Grenadian Communist government's chief of staff of their military, while being trained in Moscow in the spring of 1983, had a secret conversation with Marshal Ogarkov the head of the Soviet military, and reported that secret conversation in a secret telegram to the Communist government in Grenada; in a document which we have since captured, and he quotes Ogarkov, the head of the Soviet military, as saying the following, and I quote:

> Originally 19 years ago we had only Cuba. Today we have Cuba and Nicaragua and Grenada and the battleground is El Salvador. We are making progress.

Now, in terms of the pattern of thought of the Soviet Union, that is as clear a statement of what they think is going on as you can find. We have the head of the Soviet military saying flatly that they regard Nicaragua, Grenada, and Cuba in the same light; that is as colonies, as extensions of their power as allies and they think of themselves as fighting in El Salvador to impose tyranny and slavery in that country and they see themselves as winning.

The quote is clear; it is in a document we captured, it is in English because the Grenadians speak English, it is available. Yet has there been any great dialog on the American left? Has anyone looked up and said "Oh, all of this is real?" No.

Instead, the American left focuses on rightwing atrocities in El Salvador.

Let me be very fair and very clear here. There are problems with rightwing governments. There have been rightwing governments that have been horrible, there have been Argentinian Governments that have committed atrocities; there have been atrocities in El Salvador.

I agree with former President Truman when he said to his daughter that "we have to confront the reality that fascism, communism, Nazism are all evil and all have to be dealt with."

But at the same time I would suggest that of the great evils in the world, Nazism was defeated in World War II, fascism in Italy was defeated in World War II, and while there may be horrible human rights problems on occasion even in countries we try to defend such as El Salvador, they are less evil, they are less dangerous to America than the Soviet Union.

In World War II, Winston Churchill justified that sense of deciding which evil is greater, which is more immediate, when he was asked how, as a leading anti-Communist, he could accept Stalin as an ally and he said, "If the Devil himself were with us, I would say at least a few kind words about hell."

What Churchill was trying to say was that you have to recognize you are not going to live in a perfect world. If the United States does not have the power at any given moment to go anyplace and make it a utopia, and that you have to decide as a statesman what are the immediate grave crises that face your society, and I would suggest that the most immediate, the grave crisis, is the Soviet Union and the threat that it represents to all of freedom.

Just today in the Washington Post I noticed two articles on page 1 that I think have to be taken note of.

> SOVIET ANNOUNCES RISE IN SEA-BASED MISSILES OFF UNITED STATES
>
> Moscow, May 20.—Marshal Dmitri Ustinov, the Soviet defense minister, announced today that the Soviet Union has increased the number of submarines carrying nuclear missiles off the coasts of the United States and that the weapons could strike U.S. targets in eight to 10 minutes.

Now, they are saying, reminding us that they have the ability to launch a nuclear war with 8 to 10 minutes' warning directly off our coasts.

The article next to it:

> IZVESTIA ASSAILS WIFE OF SAKHAROV
>
> Moscow, May 20.—The Soviet government newspaper Izvestia tonight published a fierce personal attack on the wife of dissident physicist Andrei Sakharov, charging that she was exploiting her husband in her efforts to escape to the West "even if it meant over her husband's dead body."
>
> The long commentary also suggested that the Nobel Peace Prize winner's wife, Yelena Bonner, 62, may be put on trial for "anti-Soviet activities."
>
> Diplomatic observers, analyzing the obscure language in the commentary titled "Degenerates and Their Supporters," said the government apparently was preparing to try Bonner if Sakharov refuses to reach a compromise with authorities.
>
> Sakharov has been on a hunger strike since May 2 to press demands for medical treatment in the West for his wife. He was reported to have been removed May 7 from his apartment in Gorki, a city 250 miles east of here to which he was banished more than four years ago, and taken to an undisclosed location. He is believed to have been hospitalized.

Now, Sakharov is the greatest physicist in the Soviet Union, a Nobel Peace Prize winner, an honorable man. Living in a state so horrible, a secret police slavery system so terrible that to try to get his 62-year-old wife medical treatment for her heart disease, he is on a hunger strike and he is now locked up, apparently, in a hospital.

That reminded me of the article in yesterday's Atlanta Journal Constitution about the nature of certain kinds of Soviet hospitals. Again, I think the full horror of what has been called Nazism of the left can only be appreciated as you listen and consider this:

The Soviet Union has given its second-highest award to a Soviet psychiatrist who has been accused by the World Psychiatry Association of abusing his science to punish political dissidents.

The official news agency Tass said Saturday that the Order of the October Revolution was awarded to Andrei V. Snezhnevsky in recognition of his work "in developing medical science, . . .

Snezhnevsky came under heavy criticism at the 1977 meeting of the World Psychiatric Association, which accused him of directing abuses of psychiatry against dissidents.

The Soviet Psychiatric Association withdrew from the world organization . . .

Now, what are they saying to us? If you get up in the Soviet Union and you say "I don't think things are going well, I think we need to change behavior" you can be locked up in a mental institution and treated as a mental case.

In fact, there is one famous dissident who fled to America who is a two-star general in the Soviet Army, a hero of the Soviet Union, decorated again and again in World War II, locked up and given shock treatments and chemical treatments because he thought the Soviet state was a dictatorship and by definition, "If you are out of touch with political reality, you are crazy."

So what is the Soviet Union? The Soviet Union is a very, very powerful police state with no respect for human rights at all and which is very willing, very willing to punish its own citizens by putting them in mental institutions.

Furthermore, the Soviet Union is engaged systematically in extending its power through terrorism and through the use of puppets and colonies across the world.

This is not something new. Let me quote from President Truman, talking to Congress in 1947 about Greece and Turkey:

It must be the policy of the United States to support free peoples who are resisting attempted subjugation by armed minorities or by outside pressures.

Again from Truman to his daughter Margaret:

. . . there is no difference in totalitarian or police states, call them what you will, Nazi, Fascist, communist or Argentine republics. . . . Your pop had to tell the world just that in polite language.

Does that relate to America? The part of the new world? Is it part of the Western Hemisphere?

John F. Kennedy, in his inaugural address:

Let all our neighbors know that we shall join with them to oppose aggression or subversion anywhere in the Americas.

Well, is there aggression in the Americas? If you read the documents from Grenada, there is.

The Soviet Union, through its Cuban puppets, are trying to establish more colonies in Central America. The Soviet Union has sent $114 million in equipment; military equipment in the last year. The Soviet Union is spending $300 million in military construction.

Time magazine this week, in its cover story is on, "D-day 40 Years After the Great Crusade."

□ 1650

That reminded me that once upon a time we had had to fight Nazism and we had had to deal with those problems.

So I went back to Winston Churchill, volume 1, "The Gathering Storm." Churchill made two points which I think are central to why we have issued the Gregorsky paper and why we are willing to defend our paper and to debate our friends on the left.

One day President Roosevelt told me that he was asking publicly for suggestions about what the war should be called. I said at once "The Unnecessary War." There never was a war more easy to stop than that which has just wrecked what was left of the world from the previous struggle. The human tragedy reaches its climax in the fact that after all the exertions and sacrifices of hundreds of millions of people and of the victories of the Righteous Cause, we have still not found Peace or Security, and that we lie in the grip of even worse perils than those we have surmounted. It is my earnest hope that pondering upon the past may give guidance in days to come, enable a new generation to repair some of the errors of former years and thus govern, in accordance with the needs and glory of man, the awful unfolding scene of the future.

WINSTON SPENCER CHURCHILL.

CHARTWELL, WESTERHAM, KENT, *March 1948.*

Now did Churchill, in looking back, say that Chamberlain was a traitor? Did he challenge his Britishness as the Speaker suggested last week I was challenging the Americanism of others? No. What he did say was:

It has given me pain to record these disagreements with so many men whom I liked or respected; but it would be wrong not to lay the lessons of the past before the future. Let no one look down on those honourable, well-meaning men whose actions are chronicled in these pages, without searching his own heart, reviewing his own discharge of public duty, and applying the lessons of the past to his future conduct.

Honorable men can be wrong. Honorable men can refuse to learn from the lessons of history. Honorable men can avoid reality because it is frightening or painful. Honorable men can listen to themselves while they deceive themselves, can then believe in their deception and walk themselves out on a limb of more and more inaccurate belief.

There is no dishonor in being wrong or foolish or misinformed or short-sighted, but equally honorable men and women have an obligation to question that. And I wish to explain to this House how the Gregorsky paper came to be written.

In July 1983 I sat on the floor of the House and I listened in particular to two quotes, to a very eminent gentleman from New York refer to freedom fighters as "ten thousand thugs, brigands and thieves." And to an equally eminent gentleman from Iowa say:

Now those who say Sandinistas are not Boy Scouts, I agree, they are not Boy Scouts, but compared to the Contras whom we are supporting, they are Eagle Scouts.

I sat there as a former history teacher and I thought to myself, if these honorable and intelligent and distinguished gentlemen honestly believe the people who want their freedom, people who are risking their lives to fight for democracy, to fight against communism, if these distinguished gentlemen of the American left honestly believe that freedom fighters are thugs, brigands, and thieves, it is no wonder that they do so many things I find hard to understand.

So I resolved to ask a friend of mine, who was working for the Republican Study Committee, to go back over the last 14 years and to look at the lessons of history. What did people say and what really happened.

The result is the Gregorsky report, which has now gotten a great deal of attention, a paper which outlined year by year how the American left deceived itself, how it remained blind to communism, how it failed to learn from the lessons.

Just as Churchill tried all through the late thirties to alert the people of Britain, so again and again and again we find that it is very difficult to explain, it is very difficult to talk about, it is very difficult to debate. All we are saying is simple: It is that if you look at the historical record, good, decent, well-meaning men and women of the left said certain things would happen. They said if America gets out of Vietnam there will be a political compromise. They were wrong. They said, if America gets out of Cambodia there will be peace. They were wrong. They said, if we stay out of Angola, everything will work out. They were wrong.

They said if we deal with the Russians reasonably they will not do things like invade Afghanistan. They were wrong: They said Grenada really is not a Communist base and really is not dealing with the Soviet Union. They were wrong. They said the Nicaraguan-Marxists really will not take over and really will not establish a Soviet base. They were wrong.

Now, if we were going to hire a schoolbus driver we would ask before we allowed him to drive our children that we look at their driver's record. If they had five or six or seven consecu-

tive wrecks we probably would not hire them as a schoolbus driver. And if anybody had ever told them that they should not have wrecks, we should not be surprised if they keep having wrecks.

I would suggest that the American left has a problem because it has a tendency to have wrecks and not learn from the experience.

We are at a real crisis in America. It is a crisis that requires that we look straight forward, that we deal honestly with what is going on and that we lay out our case and that we talk about it so the American people can understand.

We wish to invite our friends from the left to come and talk about the crisis. We had a number of folks, TIM WIRTH of Colorado, DON EDWARDS of California, BARNEY FRANK of Massachusetts, who could not come today. Representative JIM BATES wrote me a letter from California indicating he could not come today.

And I will put his letter in the RECORD along with my letter to him.

The letters follow:

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 18, 1984.

Hon. NEWT GINGRICH,
1005 Longworth,
Washington, D.C.

DEAR CONGRESSMAN GINGRICH: Yesterday afternoon I received a letter informing me that on Monday, May 21, 1984, portions which mention my name in the report, "What's the Matter With Democratic Foreign Policy?" will be entered in the Congressional Record. Because I will not be in Washington, D.C. Monday, and in view of the fact that two working days notice does not give me time to rearrange my schedule, I respectfully request that my name not be mentioned.

Should you insist on doing so, I will speak to this on the floor of the House of Representatives at a later date. Had I received more advanced notice, I would not object as much as I do now.

Your attention to this request will be appreciated.

Sincerely,

JIM BATES,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 18, 1984.

Hon. JIM BATES,
1632 Longworth, Washington, D.C.

DEAR JIM: I appreciated receiving your personal letter to me dated May 18, 1984.

I'm very sorry that you won't be in Washington this Monday, May 21st to share in our Special Order. As you know, this time will be used to enter into the record the final third of a Republican Study Committee document entitled, "What's the Matter with Democratic Foreign Policy?" written by Frank Gregorsky.

You asked in your letter that your name not be mentioned during this Special Order. Regretfully, that won't be possible because your name is one of those specifically mentioned in the report.

However, I will read your letter during this Special Order so that the record will show that you did make this request.

I'd be happy to schedule a Special Order with you at another time, and at your convenience, to discuss the Gregorsky report.

Please let me know if you'd like to do this. I hope to hear from you.

Sincerely,

NEWT GINGRICH,
Member of Congress.

The reason I want to put this into a framework of a dialog is because I think the American left has to begin to at least look at what its assumptions are and what it thinks the nature of the Soviet threat is and what it thinks we should be doing and then look at the historical record of the last 14 years and ask the question: What are the lessons we should learn?

Mr. GLICKMAN. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I would be delighted to yield to my friend, the gentleman from Kansas.

Mr. GLICKMAN. First of all, I want to thank my colleague for yielding.

I would like, if possible, to discuss for a few moments the issue, the United States and the Soviet Union, as reflected through the eyes of Richard Nixon, former President of the United States.

I would assume that no one can categorize Richard Nixon as a captive of the American left. Would that be a fair assumption?

Mr. GINGRICH. Sure.

Mr. GLICKMAN. Richard Nixon talked to the Newspaper Editors Association of this country and, as I am sure the gentleman is aware, wrote a piece in the Washington Post, which I would just like to read quickly and then we can talk about it.

Issues concerning the United States and Soviet relations, because they are very bad now. It is very troublesome to see Defense Minister Ustinov talking about Soviet submarines very close off our shores.

Nixon said the following, and I quote from the article:

On the one extreme we have what I call the super hawks. They point out that the Soviets lie, they cheat, they're out to do us in. That's right. On the other hand, they then go on to say that, because they do that, our only policy is to build up military superiority, to squeeze them economically, to isolate them diplomatically and, if we follow that course, inevitably the whole rotten system will collapse and new regime will come into power that will be less unfriendly to the United States. I wish that were true. But there's one thing we have to recognize about the Soviets. They have been a failure economically and ideologically, but there's one thing they are good at—they are good at getting power and keeping power.

Then Nixon talks about the extreme left.

We turn to the other extreme. Let's call them for lack of a better term, the super doves. They say that the Soviets arm because we do. If we can only convince them that we are for peace by reducing our armaments, then they will follow us and do likewise. This, however, misjudges the Soviets. With the very best of intentions President Carter tried that before Afghanistan. As we cut back on our weapons systems, they increased theirs, and that is how they acquired the military superiority in land-based missiles that they enjoy today.

I know the Russians. We don't have to convince them that we are for peace—they know that. We have to convince them that they cannot win a war and that the rewards of peace are infinitely greater than anything they could gain from war. Putting it very simply, we have to take the profit out of war, we have to put more profit into peace.

And the final quote, and this is what I would like to discuss with my colleague from Georgia.

But because of our irreconcilable differences, the government of the United States and that of the Soviet Union can never be friends. However, we cannot afford to be enemies. The most and the least we can hope to do is to develop a process, a process in which we negotiate about our differences, resolve them where possible, but develop a process where we learn to live with those differences rather than die with them.

You can call this détente, you can call it peaceful competition, you can call it cold peace. But it is infinitely to be preferred to the alternative, which is continued confrontation in a hostile way and possible nuclear annihilation.

Now I guess what I find somewhat troublesome about my colleague, my friend from Georgia's remarks, is that they appear to be geared toward that continued confrontation in a hostile way that Mr. Nixon so strongly advises and advisedly says we should not pursue. He is not naive and neither am I. Neither the superhawk chorus or the superdove chorus will serve this country well.

I guess I came to the floor to tell the gentleman that I think that it is unfair to characterize this issue in polarizing terms because that is not going to help resolve our problems with the Soviet Union. It is best to characterize them in the way President Nixon did.

Mr. GINGRICH. Let me say to my good friend that in fact I happen to agree almost precisely with President Nixon. I think if I look confrontational it is because I seek a confrontation with what President Nixon called the superdoves.

But let me quote, because it is very close to what Nixon said, Winston Churchill in his great speech on the Munich Agreement, which was made on the floor of the House of Commons, October 5, 1938:

You have to consider the character of the Nazi movement and the rule which it implies. The Prime Minister desires to see cordial relations between this country and Germany. There is no difficulty at all in having cordial relations between the peoples. Our hearts go out to them. But they have no power.

□ 1700

You must have diplomatic and correct relations, but there can never be friendship between the British democracy and the Nazi

power, that power which spurns Christian ethics, which cheers its onward course by barbarous paganism, which vaunts the spirit of aggression and conquest, which derives strength and perverted pleasure from persecution, and uses, as we have seen, with pitiless brutality the threat of murderous force. That power cannot ever be the trusted friend of the British democracy. What I find unendurable is the sense of our country falling into the power, into the orbit and influence of Nazi Germany, and of our existence becoming dependent upon their good will or pleasure. It is to prevent that that I have tried my best to urge the maintenance of every bulwark of defense * * * It has all been in vain. Every position has been successively undermined and abandoned on specious and plausible excuses.

My point is this: If you are saying to me we should negotiate with the Soviets, I agree. If you are saying to me we should find a method by which we can both live on the same planet, I agree. If you are saying to me that in the long run—and I happen to believe the Soviet State will survive for a century or more, barring a major war—that there is no reason to believe that a large, great secret policy state gives up just because it gets tired, I agree. Having said that, I would then come back to my good friend, though, and say to you: The greatest danger to the survival of freedom on this planet is the "superdove self-deception," to use the Nixon term, what I would have called the radical self-deception about the core nature of the Soviet state.

If our friends on the left were to come in and say, "All right, how are we going to be tough enough to survive with the Soviets while being peaceful enough not to threaten their existence?" we would have a whole new dialog. But instead we have—and I think we could cite you, out of the last 3 or 4 days' CONGRESSIONAL RECORD—case after case after case of our close friends, decent, honorable, intelligent people, who walk on this floor and say, "It is the United States which is at fault."

I will give you one example off this floor. Schlesinger has in today's Wall Street Journal a column entitled "Mr. Reagan's War in Central America," which I would suggest is like talking about the Battle of Britain as Mr. Churchill's war. It is not Mr. Reagan's war in Central America. It is a Soviet-inspired, Soviet-supported effort which uses the problems of poverty in order to try to impose a foreign tyranny.

I will be glad to yield to my friend from Minnesota.

Mr. WEBER. I thank the gentleman from Georgia for yielding, and I thank the gentleman from Kansas for joining in this debate.

I would just like to ask a question of the gentleman from Kansas or ask him to join in a discussional topic, because I appreciate his coming down here to engage in this debate.

I also appreciate your attempt to focus not just on the problems of what we may refer to as the superdoves but on the problems with the superhawks as well. That subject deserves discussion.

The point that I want to make and the point that I think is so troubling to some of us—and I made it a few moments ago with our colleague, the gentleman from California (Mr. BROWN)—is that when we discuss the superdoves, as they are called by Mr. Nixon, as our colleague referred to them, we do not get the opportunity to have a realistic, sensible, open discussion in which people's motives are not judged. We are hit, as we were last week, with the scream "McCarthyism."

And the point I want to make is, we are not trying to impugn anybody's patriotism by challenging the judgment of the superdoves any more than the gentleman from Kansas is by challenging the judgment of the superhawks.

And if the gentleman from Georgia would yield to him, I would ask the gentleman for his response on that point.

Mr. GLICKMAN. If the gentleman will yield, I would say I am not getting too hung up on labels here, although I do not like the labeling process. I came down here because I am trying to figure out a way that we can avoid a nuclear catastrophe, at the same time recognizing that Nixon had a very good point that what we have to pursue are balanced policies.

Now, I would submit to the gentleman that I think opposites attract in this world, and one of the reasons that has happened is in many respects the methodology of the superdoves and the superhawks are not altogether that different. There is a level of intolerance exhibited by both, and I reject that, and I would hope all gentlemen here do the same thing. But the fact of the matter is that, as Nixon talked about, what we are trying to do is to avoid confrontation in a hostile way and nuclear annihilation.

Let me go back to the Soviet Union during the Nixon years. Really, it is amazing that I am down here as a Democrat, who basically detested our former President, and then citing him chapter and verse. It is something I thought I would never do many years ago. But during those years, we saw lots of things happen. We saw cultural and scientific exchanges increase rather dramatically. By the way, these were continued into the Ford years and the early Carter years as well. We saw large numbers of Soviet Jews leaving that world, in the neighborhood of 40,000 and 50,000 a year. We saw agreements, nuclear nonproliferation treaty agreements, and others as well. And they were not agreements made out of weakness. They were agreements made out of equal bargaining powers.

And I am saying is that the splits between right and left and the name calling that is occurring both in this country and between us and the Soviet Union are not doing any of us any good in terms of trying to find an end to this process.

Now, let me make one other point the gentleman from Georgia made—and I think he makes some good points here. I did not come down here to engage in any personal name calling, as I hope the other gentleman said. We are talking about Central America and talking about Soviet-dominated war in Central America. Sure, the Soviets and the Cubans are involved. But Nixon makes another interesting point, talking about Central America. He emphasizes the historical poverty in that part of the world very dramatically, and then he said this: The people of these countries have enormous problems. The trouble is that the Communists at least talk about the problems, and too often we just talk about the Communists.

Now, I think that point is also a very constructive one. We have to be concerned about the Communists. I do not want the Cubans and the Soviets dominating Central America. But I also recognize that in many areas of the world they have been lots smarter than we have been. They have gone in and dealt with housing and medical care—at least talked about it. And I would hope that we would be smart enough to follow Mr. Nixon's advice and do the same thing, not only being concerned about the military incursion by the Soviet Union and Cuba, but also being concerned about the ultimate problems that will decide whether we will win or not in that region of the world.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentleman from Georgia for yielding.

I think the gentleman makes an excellent point. I would just say I think that our policy in Central America answers that criticism by view of the fact that over 70 percent of our aid to that region of the world is economic and aimed at improving the economic conditions of the people that live there. So I think the gentleman made a good point.

But I want to return to the point I made earlier, because it is very important to us on this side of the aisle, particularly those who have been involved in this debate. The gentleman made an interesting point when he said there is an intolerance shared by both the "superhawks" and the "superdoves," to use Mr. Nixon's phraseology. And I would agree with that.

When the gentleman from California (Mr. BROWN) was on the floor a little while ago he mentioned that when he first ran for office he was accused by some rightwingers as being a Communist sympathizer. I would just ask the gentleman—and I am not trying to embarrass him, I am trying to make an important point—would he agree with me that for rightwingers to call liberals Communist sympathizers is the equivalent of the superdoves calling us McCarthyites in response? Would the gentleman agree with me that there is a qualitative equality of that labeling that prevents discussion of real issues?

□ 1710

Mr. GLICKMAN. Name calling is bad. In one case you are talking about making a judgment on their substantive political views; in the other case you are talking about a style. McCarthyite is more of a style rather than a substantive issue. However, saying all of that, I would hope that the rule of reason begins to dominate this place again, and that we try to deal with what we want the policy of this country to be rather than getting involved in personalities or what kind of lashing out has been done in the previous months or years.

Mr. GINGRICH. I think it is fascinating that Richard Nixon is being resurrected as a foreign policy guru, and I think with some reason. I think he is in fact in foreign policy probably the most thoughful and intellectual American President, at least since Eisenhower, in terms of having a real sense of how you use power and how you think about power. Of course, from the standpoint of the American left, he is currently saying we need to be sort of reasonable; we need to act as adults toward the Soviet state.

Let me carry you back for a minute and remind you that Nixon's greatest contribution in creating détente was to argue that you have to be tactically very, very tough. This is, after all, the Richard Nixon who invaded Cambodia and said afterward: "I did it to prove to the Russians that I was unpredictable and they could not count on me being pushed around."

Mr. GLICKMAN. I knew the gentleman would cite an example that I might not totally agree with.

Mr. GINGRICH. It is very important. I mean if American liberals and American moderates are going to resurrect Nixon, they need to really listen in context to what he is saying, because otherwise it becomes a dialog that distorts.

Nixon also was very explicit in 1972 in bombing Hanoi during the Christmas bombings, in mining Haiphong Harbor in the spring, and I remember vividly, because I was a college professor at the time, and all sorts of liberals jumped on television, including people as sophisticated as Zbigniew Brzezinski and said, Oh, Richard Nixon has destroyed the trip to Moscow.

Nothing at all like that happened. The Russians looked on while we bombed their ally, while we sealed off the harbor, and they said: "Why do you not come to Moscow and let us have a great meeting on détente, because that is tactical down there, and we accept your right to be very tough, and we will deal with you."

Without mentioning any names, we quote in this study four leading people who I would call radicals, who I guess Nixon would have called superdoves, who said in context at the time, "Look how horrible Richard Nixon is doing all of this stuff."

We quote later another very, very intelligent guy, I just want to give you a flavor of where we are coming from in terms of a quote, without mentioning any specific names, but it is part of what bothers me so deeply, because I think it creates this framework.

He says, "I come before this committee today and ask my God why are we still financing the almost inconceivable suffering that the people of Vietnam have endured in addition to the military situation we know see the final degradation of the society in Vietnam."

He goes on to say, "Our military aid is not saving these people, it is murdering them."

Later, talking about Cambodia, "We must not prolong the agony. It is time that we allow the peaceful people of Cambodia to rebuild their nation. The administration has warned that if we leave, there will be a bloodbath. But to warn of a new bloodbath is no justification for extending the current bloodbath."

Now my point would be this: If you are going to rebuild Richard Nixon and his foreign policy, and you are going to say, you know, this guy has some very useful insights, you have to start with the understanding that Dick Nixon was for being very, very tough close up. I suspect that Nixon's policy advice on El Salvador and Nicaragua would shock the very people who are applauding him now about dealing with the Russians. I would say to you and then I would be glad to yield to you, I am not a superhawk, despite what some of your colleagues probably think. I am a very tough-minded son of a career soldier who has spent 25 years studying history. I think that the Soviets are going to be around a very long time; I personally am willing to do an awful lot and take a lot of heat from the Speaker to keep telling what I think is the truth precisely so that we neither go to nuclear war nor end up in a situation of collapse.

I think it is a very tough road for us to build and I am very grateful to the gentleman from Kansas for coming and participating in this kind of dialog about what I think may be literally the question of survival as a nation.

I yield to the gentleman from Kansas.

Mr. GLICKMAN. I had the good fortune of being in the Soviet Union last July when Congressman FOLEY took a bipartisan delegation, you are probably aware of the trip, many Members of your side went, and we had our final banquet at St. George's Palace, which is a beautiful place inside the Kremlin, and I was sitting next to a man Yuri Zhukov, who has been affectionately referred to by many as the butcher of Moscow. He was sitting right next to me. It concerned me as he was eating his dinner and being called that.

But in any event, as we were sitting there, he asked me, he said, your President, Mr. Reagan, is too provincial. I said what do you mean? He said, he is always trying to push us to the wall, he is always calling us mean names, he is always engaging in hostile rhetoric, he is always trying to make us the evil person of the world. He said, he called me young man, he was much older than me, he said that in the very room that you are in right now, in 1972, I believe it was Richard Nixon came to Moscow, you referred to it, to sign I believe the Nuclear Nonproliferation Treaty, one of the treaties that were being signed. He said to me, imagine that man came to Moscow at the very time that we had either begun or were engaging in the bombing of Haiphong Harbor. He said that he still had the courage to come here to this place to sign this treaty. I said, what is your point.

He said, my point is is that Mr. Nixon showed us respect; your current President does not. Now, I think that has two illustrative points to it: One, is that firmness and strength is important, and I do not deny that. The other thing is that Richard Nixon had a pretty intuitive knowledge of what the Russians were all about. Who they were afraid of; what set their hair on edge. What did not. What were the kinds of things that would result in demonstrably peaceful conduct, and what were not.

My point is is that I would very much like in the current policy of this Government, regardless of who is in power, that we could have policymakers to understand the Soviet psyche. The second point is that, yes, there is a lot of extreme name calling here, but some people perceive that the current administration is way over in the superhawk side of the picture. That brings out a lot of people on what you would call the superdove side of the picture to try to bring some balance. After all, President Reagan is our Chief Executive; my party is not run-

ning the country. The current President is.

I guess my point is that I felt that Nixon's comments in the Post and the ones that he made to the newspaper editor reflected some of the commonsense middle ground that we all need to pursue.

Mr. GINGRICH. I think you are right.

Let me pick up on that for just a second because, for example, President Reagan last year shocked many moderates and liberals by talking about an evil empire. It fits exactly the Soviet sense of being insulted and being treated without respect.

One of the problems that we face in this country, and I do not know how we ever work this out and maybe it is not doable in a free society; but somehow if there are enough superdoves or radicals running around saying that Soviets are reeling all right. Again, several quotes we used without mentioning any names but said in effect, gee, we forced the Soviets psychologically to shoot down the Korean airliner because we have made them frightened.

I think that is nonsense. There are a lot of good reasons why the Soviets are a paranoid state; I think they would be a paranoid state, frankly, if they had antiaircraft systems in San Francisco. I think it is nature of Soviet history to be relatively paranoid. We do not have a method right now, I say to the gentleman from Kansas, to calmly and methodically teach ourselves as a country that; (a), they are a dictatorship; (b), they are dangerous; (c), we are going to have to be very tough with them in specific cases; and (d), we are going to have to learn how to live with them.

Somehow, when the right says my God, look how terrible they are, the left suddenly says, no, no, that could lead to nuclear war, let us emphasize how reasonable they are, at which point, as you just suggested, the right then says boy, I better yell even louder how terrible they are. You presently get this cacophony of confusion and part of what I think we are seeking to do in the House is to first of all, stop everybody in their tracks, and I think we are close to being able to begin to do that, and say wait a second, a lot of this stuff is crazy. If it is crazy for a superhawk to talk about the collapse of the Soviet Union, and I think it is; I do not think the Soviet Union is going to disappear. It is equally crazy for our good friends on the left to get up and say things that are just goofy in terms of historical reality.

If we cannot get to some kind of negotiated truce on language, then I can tell you those of us on our side are going to take a very tough, hard-nosed stand because, and I think I could cite dozens of cases, the language itself ends up corrupting the debate.

If we are told over and over again that killing four Americans in El Salvador is worse than anything the Sandinistas have done, or worse than anything Castro has done, then we have a problem. How can you exist in the real world if again to quote Churchill and to paraphrase Churchill in the thirties, if the whole question of survival in 1938 is the Czechs persecuting the Nazis and the whole point of Munich is the Czechs beating up on the poor Germans, then you cannot talk about reality.

□ 1720

So we are trying to learn, and it is a difficult and painful process, I concede to my good friend from Kansas, we are trying to learn how to set a tough standard both for our friends on the left and how to encourage them to set a tough standard back for those who are superhawks, and let us begin a serious debate about how the United States is going to survive in the late 20th century and lead the Western Alliance and extend and develop freedom and ultimately, in Nixon's very felicitous phrase, make peace more profitable for the Soviet dictatorship than war could ever be.

Mr. GLICKMAN. If the gentleman would yield for one final point, it is that because of the nuclear genie, the stakes are different than they were 15, 29, 30, 40 years ago, and that is why I am hopeful that the goofiness of the right and the goofiness of the left can give way to the commonsense of the middle, which is where most solid, sound decisions are made in the foreign policy of this world.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I would be delighted to yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentleman for yielding.

Mr. Speaker, I would just say to my colleague from Kansas as he leaves, I appreciate his participation in this discussion. I think he has contributed a lot, and I just have to make my point again.

Obviously the gentleman has paid some attention to what we are talking about here, and I hope the gentleman sees, although he may not agree with everything we are saying by any means, that we are not impugning anyone's Americanism or anyone's patriotism. We have disagreements that are rather substantial, but there is no attempt in anything that we have said here to bring into question anyone's motives, anyone's Americanism or anyone's patriotism.

Mr. GLICKMAN. I thank the gentleman for yielding.

Mr. GINGRICH. I thank the gentleman for his very fine contribution.

Let me go on and take a step toward wrapping up by making two points, one from the New York Times yesterday, an editorial entitled "Interventionism, Without Humbug." The problems of survival in a dangerous world are not new. In 1859, John Stuart Mill wrote an essay called "A Few Words On Non-Interventionism." Fascinating, is it not, that over 100 years ago in England a great philosopher could be writing about exactly what we are worried about today in America? He said something, and I want to quote from the New York Times, not a normal source, you might think, for a GINGRICH quote:

> The conflict in El Salvador is triangular. Marxist guerrillas get sustenance from Cuba and Nicaragua, though its magnitude may not be crucial. The right-wing Arena party led by Roberto d'Aubuisson has been generously bankrolled by wealthy Salvadoran exiles in Florida. In the middle stand the reformist democrats led by Mr. Duarte. To deny them aid would be a nonintervention that only rewards interventionists.
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> No one has described the underlying dilemma better than John Stuart Mill. To be morally legitimate, he wrote, nonintervention needs to be respected by all: "The despot must consent to be bound by it as well as free states. Unless they do, the profession comes to this miserable issue—that the wrong side may help the wrong, but the right must not help the right."

I would suggest that the first issue we wish to raise is the fact that the Soviet Union clearly is directly involved, the fact that the Soviets and their Cuban colony are directly involved, the fact that there is a war going on in El Salvador which would not go on in its current form if the Communists were not pouring massive amounts of aid and supplies into Nicaragua.

Let me close with a book review from this weeks Time magazine, May 28, which I hope will explain for most people why we take this so seriously. It is a new novel called "The Retreat" by Aharon Applefeld, an Israeli novelist. Let me quote from the book review:

> In Austria toward the end of the 1930's, Jewishness is a defect; there can be no denying such a truth. But life itself is far from perfect, and there is no room to despair because of that. Perhaps the fault is correctable, a matter of inflamed nerves, bad habits, insufficient exercise. A few months in clean mountain air should help. Early bedtime, rise at dawn. Plain food. Hard work. Early morning runs. Reform is possible. Anything is possible.
>
> The savior in whom this earnest vision burns is a prosperous Jewish horse trader named Balaban. He buys an old mountaintop hotel, formerly a monastery, near Vienna and issues a prospectus promising horseback riding, swimming, and the painless eradication of embarrassing gestures and ugly accents. And soon the place is filled with aging Jews of both sexes who have become burdens to their assimilated children.
>
> What Israeli novelist Aharon Applefeld relates in this brief, matter-of-fact story, more parable than novel, is the dissolution of life at the imagined spa. In volume after

volume the author has been obsessed with the time of clouded horror just before the Holocaust. Two previous novels, "Badenheim 1939" and "The Age of Wonders," take place in prewar Austria. "Tzili: The Story of a Life," is a fictional account partly based on Applefeld's escape from a concentration camp at the age of nine and his three years of hiding from the Nazis in the Ukrainian countryside.

In "The Retreat" there is no mention of Nazis or prophecy of war. Most of the inmates have come to the mountain because their lives have fallen apart: they have lost jobs, perhaps, or were embarrassments to their families. They are uneasy, but not really frightened, and certainly not indignant. No one, including the leader Balaban, thinks of protesting against abuse and prejudice. Other groups have defects, too, admits one guest who is stalwartly trying to rid himself of tainted habits by the prescribed self-help routines. "But their defects are healthy. People say that the Austrians are heavy drinkers. Of course they are, but that, if it can be called a defect at all, is a healthy defect . . . If only the Jews knew how to drink . . . they would surely be different.

Things get worse in the mountaintop hostel; the men who descend to the village to buy provisions are beaten up regularly. Yet no one thinks this strange; no one seems to be afflicted by a foreboding of doom. The book ends flatly, without the customary distant rumbling of a world's end, and with no sense of cautionary exhortation by the author. Any such message—that tribalistic savagery is mankind's eternal, bone-bred evil, perhaps—would be excessive. Applefeld simply and affectingly bears witness, and in the end, his sole, muted voice is more effective than a choir and louder than a roar.

I bring back again and again the Nazis, and I talk about the Soviets as Nazis of the left for a reason. The reason, stated by Winston Churchill in a speech called "The Defense of Freedom and Peace," an address to the people of the United States of America, October 16, 1938:

> No one must however underrate the power and efficiency of a totalitarian state, where the whole population of a great country, amiable, good-hearted, peace-loving people, are gripped by the neck and by the hair, by a Communist or a Nazi tyranny, for they are the same thing spelled in different ways. The rulers for the time being can exercise a power for the purposes of war and external domination before which the ordinary free, parliamentary societies are at a grievous, practical disadvantage.

So today, in summary, I have quoted from Churchill that the Nazis and the Soviets are remarkably alike. I have quoted from Harry Truman that the Nazis and the Soviets are remarkably alike. And I have quoted exhortations from Churchill again and again to learn the lessons of history. I simply close by saying that the purpose of the Gregorsky study was to lay out a 14-year track record to raise the question: Is it not time we woke up and learned to talk honestly and candidly and responsible about how freedom will survive on a planet in which there is a Soviet tyranny, on which both sides do have nuclear weapons, and on which honest, constant self-criticism and willingness to learn and to think may be the cost of freedom?

THE FAIR TAX ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nevada (Mr. REID) is recognized for 60 minutes.

Mr. REID. Mr. Speaker, political rhetoric about everything from Federal budget deficits to economic "yo-yo" trending, to proposed tax reforms—all incorporate one main theme. After all of the jargon and highly polished vernacular are reduced to their simplest terms, one fact remains: You can only spend what you have. When your pockets are empty the spending either stops or you get more money.

Of course, economic policymaking at a Federal level requires greater definition and detail. But, again, the principle is the same. We are all looking at the difference between what money comes in and how much goes out.

For a moment, let us take a careful look at this economic issue—a situation complicated by evolution. In reviewing this pressing dilemma, it is clear that a mandate exists; a directive to redefine our practices and policies in order to provide for our Nation's economic survival.

Because of the interrelationships between budget deficits—spending more than you have and taxation reform, trying to adjust the amounts of money coming in to cover those deficits—we will need to study the interaction of these economic principles throughout our analysis.

Let us begin with the Federal budget deficit. This deficit struggle reflects both partisan and ideological differences over the size and role of the Federal Government and how high taxes must be to support that Government.

Up to this point we have been toying with piecemeal solutions to our budget problems. We've adjusted taxes in particular industries or made some relatively minor cuts in spending. But, these sporadic bursts of change have been short lived and their overall impact just as ineffectual.

The time for tinkering has expired. Experts in economics agree we have reached the time when change is imperative. Our Government's revenue base has eroded to the point that the economy will not survive without drastic change.

Economists concur that the concern over Federal deficits is the necessary political fuel needed to prompt reform.

Recently, we Members of the House devoted time and energy to finding ways to reduce the Federal deficit.

After considering eight complex budget proposals, we approved a pay-as-you-go plan which I have always supported—to set targets for tax and spending levels.

Under this plan, during the next 3 years, we would experience a $182 billion reduction in Federal deficits.

Spending for social security, Defense, and programs for the poor would be allowed to rise with inflation.

All other programs would be allowed to rise only 3.5 percent or less than the anticipated inflation rate of about 5 percent.

In addition defense and discretionary progams for the poor would be allowed to rise another 3.5 percent, as long as offsetting tax increases are approved.

Again, that brings us back to the need for a change in our tax system. The time has come—with the national debt reaching trillion-dollar figures—to create and carry out crucial tax reform.

A word of warning: Any tax reform we design will not become the means to scoop in billions of new dollars in revenues. Realistically, such reform would succeed if it could insure that our current revenue base would not disintegrate further.

This would be a good place for us to use history as our guide, to turn the pages of the text, to learn what our tax system was designed to do, and why it can no longer perform that task successfully.

In its simplest form personal income tax was first levied during the Civil War to help defray the costs of the conflict. That early rate of 1 percent was raised to 3 percent when the war's expenses grew. Even then exemptions were carved out, including a $600 personal exemption.

In 1872 that tax system expired and for 50 years the country had no personal income tax provisions. Opponents argued that such a tax violated the constitutional requirement that direct taxes be apportioned among the States according to population.

It was not until 1913 that this particular argument was nullified with the ratification of the 16th amendment to the Constitution. The amendment simply stated that:

> Congress shall have the power to lay and collect taxes on incomes from whatever source derived, without apportionment among the several States and without regard to any census or enumeration.

Later that year Congress enacted the income tax which Americans have been paying ever since.

During the decades that followed, Congress has raised and lowered the rates. It has added and subtracted exemptions and credits to provide incentives for a broad spectrum of public policies. Unfortunately, however, these many exemptions, credits, and deductions have worked only to reduce the total revenues that the Govern-

ment collects in taxes, thus, substantially eroding the tax base.

Therefore, efforts to broaden the tax base must be a top priority at this time. In fact, according to the Congressional Budget Office, comprehensive income tax base broadening would allow significant reductions in tax rates while maintaining the same revenue yield.

Another reason for broadening the tax base involves equity and simplicity.

The current Tax Code is so riddled with loopholes and exemptions that taxpayers with the greatest means often pay fewer tax dollars than less affluent Americans

Not only do many millionaires payless in taxes than people earning under $20,000 a year, but there are even disparities between taxpayers earning the same salaries.

The current system technically permits, and even encourages avoidance schemes like tax shelters that cut at the tax base even more. Another offspring of the current tax system is the underground economy which encourages bartering and cash-only transactions—both highly undetectable under today's tax structure.

The ways and devices to skirt the system continue to grow. So the proposal of any reform naturally finds opposition from the people who benefit most from status quo. The power of special interests actually has the potential to become one of the biggest obstacles to revamping the tax system.

And we must be aware that these vested interests will fight to preserve the system, as it is, whether that special interest is for charitable institutions or homeowners or people who buy on credit, or the hundreds of tax sheltering schemes. Virtually anyone who gets the benefits from the current law will not want to lose those benefits.

However, this system is not working. We are running out of alternatives that could work. That is why I want to explain the Fair Tax Act, a proposal that I am sponsoring with full commitment and belief that this legislation is the most feasable solution to this ever-spiraling economic nightmare.

The basic concept is this: If you cut rates and close loopholes simultaneously, then you get economic growth. You can pass along the benefit of lower taxes while, at the same time, provide equitable benefits.

Under the bill there would be three broad tax rates for individuals, 14 percent, 26 percent, and 30 percent—depending on an individual's income—and a single 30-percent corporate rate.

Scores of deductions, credits, and exclusions would be repealed so that the lower rates would apply to substantially broader income bases. In fact, the way the bill is structured roughly four out of five taxpayers would pay only the 14-percent rate.

The 14-percent rate is the basis of this tax system. Everyone would pay at this rate.

A surtax rate of 12 percent, which is a 26-percent combined rate, would be levied on income between $25,000 and $37,500. This 26-percent rate, for joint returns, would apply to joint incomes of between $40,000 and $65,000.

The surtax rate of 16 percent, which is a combined rate of 30 percent, would apply to higher incomes.

This bill, while eliminating many existing loopholes, preserves certain deductions, credits, and exclusions which are generally available to most taxpayers.

The $1,000 exemptions for dependents, the elderly, and the blind would be retained.

Deductions which could only be taken against the 14-percent basic rate would be retained for home mortgage interest, State and local income and real property taxes, charitable contributions, medical expenses—exceeding 10 percent of income—IRA and Keogh contributions, as well as exclusions for veterans' benefits, social security benefits, and interest on general obligations bonds.

The standard deduction for those who do not itemize would be increased to $3,000 for individual returns and $6,000 for joint returns. A family of four could earn up to $11,200 before owing any taxes.

As I mentioned earlier, the effect of the Fair Tax Act on corporations would be measured in terms of a single 30-percent tax rate. While this would leave the level of corporate income tax revenues virtually unchanged, the bill would do away with most of the tax preferences that now selectively reduce tax liability and distort investment decisions.

By and large, the Fair Tax Act would accomplish several objectives. It would broaden the base of the individual and corporate income taxes. The legislation would significantly reduce tax rates. It would flatten out the rate schedules of the individual income tax and would simplify the tax laws by eliminating most credits, deductions, and exclusions. Despite all of these drastic changes the Fair Tax Act would raise about as much money as current law does.

The bill also avoids shifting the tax burden among income groups. Rather, it equalizes the tax bills of various people with comparable income, regardless of its source.

It was once said that care should be taken that taxation be done in a manner not to benefit the wealthy few at the expense of the toiling millions.

These words were spoken in 1865 by President James K. Polk.

It is obvious that the sentiment is not new and the objectives have remained constant.

What is new, and workable, is the Fair Tax Act, an opportunity that could benefit our Nation in terms of reduced budget deficits and equitable tax treatment.

We all agree with Justice Holmes when he said in an opinion, "Taxes are what we pay for civilized society," but I believe that the tax direction of this Nation has been too long directed by bureaucrats within the Internal Revenue Service, as an example, and not this Congress.

In the Federalist papers, James Madison directed that setting the tax policy was the most important duty of a legislature.

And as another judge said, Justice Musmano, "it is true that taxes are the lifeblood of any government, but it cannot be overlooked that the blood is taken from the arteries of the taxpayers and, therefore, the transfusion is not to be accomplished except in accordance with the scientific methods prescribed by the sovereign power of the state"—that is this legislature, this Congress.

I direct all my colleagues' attention to the Fair Tax Act, because it would certainly meet the needs of our constituents.

□ 1740

DEPARTMENT OF THE INTERIOR DEFERRAL—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-224)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

(For message, see proceedings of the Senate of today, Monday, May 21, 1984.)

COMMUNICATION FROM THE HONORABLE. BRUCE A. MORRISON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Hon. BRUCE A. MORRISON:

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 18, 1984.

Hon. THOMAS P. O'NEILL, Jr.,
Office of the Speaker, U.S. Capitol, Washington, D.C.

DEAR MR. SPEAKER: This is to inform you, pursuant to House Rule 50, that Bennett Pudlin, the Director of my District Office, has been properly served with a subpoena to testify in a civil matter before the United States District Court, District of Connecticut, on May 29, 1984. The testimony sought

involves Mr. Pudlin's performance of his official duties as an employee of the House of Representatives.

In consultation with the General Counsel, I shall make the determinations required by House Rule 50 and inform you of the result.

Sincerely,

BRUCE A. MORRISON,
Member of Congress.

REPORT ON THE NATIONAL NARCOTICS BORDER INTERDICTION SYSTEM

(Mr. HUGHES asked and was given permission to extend his remarks.)

● Mr. HUGHES. Mr. Speaker, recently, the New York Times published a story about a confidential report prepared by Bud Mullen, the Administrator of the Drug Enforcement Administration, for the Attorney General, which was critical of one of the administration's antidrug initiatives, the National Border Interdiction system, called NNBIS.

NNBIS was developed in the spring of 1983 after the President had been criticized for vetoing the omnibus crime bill of 1982 because it included a provision establishing a so-called drug czar.

I have not seen Bud Mullen's report to the Attorney General but the excerpts in the Times indicate that he raised some of the same concerns that the Subcommittee on Crime has been voicing about this administration's development and direction of drug enforcement. Bud Mullen is to be commended for honestly raising these issues within the administration. For too long this administration's drug policy has been steered with an eye on the press releases and not with an eye on the results.

The bottom line is bad: In 1983 more drugs were smuggled into the United States than in 1981 when this administration took office. The price of heroin on the street has gone down, and the wholesale price of cocaine has plummeted. These price drops are basic indicators that we still have yet to hit the drug smugglers where it hurts.

One of Bud Mullen's points is that the administration public relations campaign surrounding the creation of NNBIS has undermined the morale of the Drug Enforcement agents, the customs agents, the FBI agents, the BATF agents, and the Coast Guard personnel who actually make the investigations, the seizures, and the arrests because the NNBIS bureaucracy at the White House takes credit for their hard work. This hurts our effort.

The lesson from this flap is that until our Drug enforcement policies are developed and directed with unity and coherence, the separate fiefdoms will continue.

Some 33 Members have joined in sponsoring H.R. 4028 to provide for an effective, Cabinet-level drug director. We need a strong hand to direct drug enforcement efforts in the streets and the air and sea routes through which drugs flow to our country, not in the Nation's newsrooms.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HAMMERSCHMIDT (at the request of Mr. MICHEL), for May 21 and 22, on account of attending the Windsor Conference on the Role and Impact of Unions in a Free Enterprise Economy.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. STANGELAND) to revise and extend their remarks and include extraneous material:)

Mr. CAMPBELL, for 60 minutes, May 24.

Mr. MCEWEN, for 60 minutes, June 4.

Mr. MCEWEN, for 60 minutes, June 5.

Mr. MCEWEN, for 60 minutes, June 6.

Mr. MCEWEN, for 60 minutes, June 7.

(The following Members (at the request of Mr. DE LA GARZA) to revise and extend their remarks and include extraneous material:)

Mr. REID, for 60 minutes, today.

Mr. BROWN of California, for 60 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. BROWN of California, for 60 minutes, May 22.

Mr. HEFTEL of Hawaii, for 60 minutes, May 22.

Mr. DOWNEY of New York, for 60 minutes, May 22.

Mr. SIMON, for 60 minutes, May 24.

(The following Members (at the request of Mr. WALKER) to revise and extend their remarks and include extraneous material:)

Mr. GINGRICH, for 60 minutes, May 24.

Mr. GINGRICH, for 60 minutes, May 30.

Mr. GINGRICH, for 60 minutes, May 31.

Mr. GINGRICH, for 60 minutes, June 1.

Mr. WALKER, for 60 minutes, May 24.

Mr. WALKER, for 60 minutes, May 30.

Mr. WALKER, for 60 minutes, May 31.

Mr. WALKER, for 60 minutes, June 1.

Mr. WEBER, for 60 minutes, May 24.

Mr. WEBER, for 60 minutes, May 30.

Mr. WEBER, for 60 minutes, May 31.

Mr. WEBER, for 60 minutes, June 1.

Mr. MACK, for 60 minutes, May 24.

Mr. MACK, for 60 minutes, May 30.

Mr. MACK, for 60 minutes, May 31.

Mr. MACK, for 60 minutes, June 1.

Mr. LUNGREN, for 60 minutes, May 30.

Mr. LUNGREN, for 60 minutes, May 31.

Mr. CRAIG, for 60 minutes, May 30.

Mr. CRAIG, for 60 minutes, May 31.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BROOKS, to revise and extend his remarks prior to the passage of H.R. 4209, today.

Mr. BROOKS, on H.R. 5517, prior to the vote on passage, today.

(The following Members (at the request of Mr. STANGELAND) and to include extraneous matter:)

Mr. NIELSON of Utah.

Mr. KEMP.

Mr. MCKERNAN.

Mrs. JOHNSON.

(The following Members (at the request of Mr. DE LA GARZA) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. GAYDOS.

Mr. SOLARZ.

Mr. HAMILTON.

Mr. WAXMAN.

Mr. COLEMAN of Texas.

Mr. FAZIO.

Mrs. SCHROEDER.

Mr. FLORIO.

Mr. FORD of Michigan.

Mr. FEIGHAN.

Mr. RODINO.

Mr. LANTOS.

Mr. MOODY.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2418. An act to authorize and direct the Librarian of Congress, subject to the supervision and authority of a Federal, civilian, or military agency, to proceed with the construction of the Library of Congress Mass Book Deacidification Facility, and for other purposes; to the Committee on Public Works and Transportation.

S. 2678. An act to extend the authorities under the Export Administration Act of 1979 until June 28, 1984; to the Committee on Foreign Affairs.

ENROLLED BILLS SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4107. An act to designate the Federal building in Salisbury, Md., as the "Maude R. Toulson Federal Building"; and

H.R. 5515. An act to authorize the President to award the Medal of Honor to the unknown American who lost his life while serving in the Armed Forces of the United States in Southeast Asia during the Vietnam era and who has been selected to be buried in the Memorial Amphitheater at Arlington National Cemetery.

SENATE ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled bills and joint resolutions of the Senate of the following titles:

S. 422. An act to amend title 18 of the United States Code to provide a criminal penalty for robbery of a controlled substance;

S. 2079. An act to amend the charter of AMVETS by extending eligibility for membership to individuals who qualify on or after May 8, 1975;

S.J. Res. 211. Joint resolution designating the week of November 18, 1984, through November 24, 1984, as "National Family week";

S.J. Res. 228. Joint resolution to designate the week of May 20, 1984, through May 26, 1984, as "National Digestive Diseases Awareness Week";

S.J. Res. 239. Joint resolution designating the week of October 21, 1984, through October 27, 1984, as "Lupus Awareness Week"; and

S.J. Res. 252. Joint resolution designating May 25, 1984, as "Missing Children Day."

ADJOURNMENT

Mr. REID. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 46 minutes p.m.), the House adjourned until tomorrow, Tuesday, May 22, 1984, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3377. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to increase the authority of the Secretary of Agriculture to refuse to provide, or withdraw, inspection service, pursuant to 31 U.S.C. 1110; to the Committee on Agriculture.

3378. A letter from the Acting Assistant Secretary of the Army (Installations and Logistics), transmitting notification of the Army's plans to initiate the study of potential conversions from inhouse operation to commercial contract of various activities, pursuant to 10 U.S.C. 2304 at (Public Law 96-342, section 502(a) (96 Stat. 747)); to the Committee on Armed Services.

3379. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the National Traffic and Motor Vehicle Safety Act of 1966 to require motor vehicle dealers to remedy any motor vehicle or item of motor vehicle equipment that has been recalled for safety before selling or leasing it, pursuant to 31 U.S.C. 1110; to the Committee on Energy and Commerce.

3380. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50 million or more to the United Kingdom (Transmittal No. MC-20-84), pursuant to AECA, section 36(c) (90 Stat. 743; 94 Stat. 3136; 95 Stat. 1520); to the Committee on Foreign Affairs.

3381. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a) (92 Stat. 993); to the Committee on Foreign Affairs.

3382. A letter from the Acting Comptroller General of the United States, transmitting a list of GAO reports issued or released in April 1984, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

3383. A letter from the Administrator, Agency for International Development, transmitting the semiannual report of the Inspector General, October 1, 1983 through March 31, 1984, pursuant to Public Law 95-452, section 5(b); to the Committee on Government Operations.

3384. A letter from the Governor, Farm Credit Administration, transmitting a report on FCA's activities under the Freedom of Information Act during calendar year 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3385. A letter from the Secretary of the Interior, transmitting copies of the financial exhibits of the Colorado River Storage Project and participating projects for the fiscal year ended September 30, 1983, pursuant to the Act of April 11, 1956, ch. 203, Sec. 6; to the Committee on Interior and Insular Affairs.

3386. A letter from the Acting Secretary of the Interior, transmitting a report on the Teton Dam claims program for the period January 1, 1983 through January 9, 1984, pursuant to Public Law 94-400, section 8; to the Committee on the Judiciary.

3387. A letter from the Acting Assistant Secretary of the Army (Civil Works), transmitting a report dated November 10, 1983, from the Chief of Engineers, Department of the Army, on Great River resource management study, Great III, together with other pertinent reports, pursuant to Public Law 89-789, section 209; Public Law 90-483, section 219; Public Law 91-611, sections 216 and 217; Public Law 93-251, section 76; Public Law 94-587, section 117; ; to the Committee on Public Works and Transportation.

3388. A letter from the Assistant Secretary of the Treasury (Tax Policy), transmitting a report on the effectiveness in generating additional savings of the tax exemption on interest earned on certain savings certificates, pursuant to Public Law 97-34, section 301(c); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 4567. A bill to reauthorize and amend the Indian Health Care Improvement Act, and for other purposes; with amendments (Rept. No. 98-763, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 5297. A bill to amend the Federal Aviation Act of 1958 to terminate certain functions of the Civil Aeronautics Board, to transfer certain functions of the Board to the Secretary of Transportation, and other purposes; with an amendment (Rept. No. 98-793). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 5642. A bill to authorize appropriations for carrying out the Hazardous Materials Transportation Act (Rept. No. 98-794, Pt. I). Ordered to be printed.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 5585. A bill to authorize appropriations for carrying out the Federal Railroad Safety Act of 1970, and for other purposes; with an amendment (Rept. No. 98-795). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOUCHER (for himself and Mrs. MARTIN of Illinois):

H.R. 5684. A bill to amend title 18, United States Code, to improve collection and administration of criminal fines, and for other purposes; to the Committee on the Judiciary.

By Mr. KEMP (for himself and Mr. LANTOS):

H.R. 5685. A bill to grant a Federal charter to the organization known as the Andrei Sakharov Institute; to the Committee on the Judiciary.

By Mr. LEACH of Iowa:

H.R. 5686. A bill concerning U.S. membership in the United Nations Education, Scientific and Cultural Organization; to the Committee on Foreign Affairs.

By Mr. MITCHELL (by request):

H.R. 5687. A bill to amend the Small Business Investment Act of 1958 to create the Corporation for Small Business Investment and to transfer certain functions of the Small Business Administration to the Corporation; to the Committee on Small Business.

By Mr. MONTGOMERY (for himself, Mr. HAMMERSCHMIDT, Mr. APPLEGATE, Mr. MCEWEN, Mr. EDWARDS of California, Mr. WYLIE, Mr. EDGAR, Mr. HILLIS, Mr. SAM B. HALL, JR., Mr. SOLOMON, Mr. LEATH of Texas, Mr. SMITH of New Jersey, Mr. SHELBY, Mr. DENNY SMITH, Mr. MICA, Mr. GRAMM, Mr. DASCHLE, Mr. BURTON of Indiana, Mr. DOWDY of Mississippi, Mr. SUNDQUIST, Mr. MARTINEZ, Mr. BILIRAKIS, Mr. EVANS of Illinois, Mrs. JOHNSON, Ms. KAPTUR, Mr. HARRISON, Mr. MOLLOHAN, Mr. PENNY, Mr. STAGGERS, Mr. ROWLAND, Mr FLORIO, Mr. HEFNER, Mr. BONER of Tennessee, and Mr. SIKORSKI):

H.R. 5688. A bill to amend title 38, United States Code, to provide a cost-of-living increase for fiscal year 1985 in the rates of compensation paid to veterans with service-connected disabilities and the rates of dependency and indemnity compensation paid to survivors of such veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RODINO (by request):

H.R. 5689. A bill entitled the "Act for the Prevention and Punishment of the Crime of Hostage-Taking"; to the Committee on the Judiciary.

H.R. 5690. A bill entitled the "Aircraft Sabotage Act"; jointly to the Committees on the Judiciary and Public Works and Transportation.

By Mr. RUDD (for himself, Mr. ADDABBO, Mr. BADHAM, Mr. BRYANT, Mr. DANIEL B. CRANE, Mr. DOWDY of Mississippi, Mr. GRAMM, Mr. HAMMERSCHMIDT, Mrs. HOLT, Mr. HANSEN of Idaho, Mr. HARRISON, Mr. HORTON, Mr. KASICH, Mr. MCCAIN, Mr. MCEWEN, Mr. MCNULTY, Mr. ORTIZ, Mr. ROBINSON, Mr. ROE, Mr. SOLOMON, Mr. STUMP, Mr. UDALL, Mr. WYLIE, and Mr. YOUNG of Florida):

H.J. Res. 573. Joint resolution designating August 4, 1984, as "National Legion of Valor Day"; to the Committee on Post Office and Civil Service.

By Mr. GONZALEZ:

H. Res. 506. Resolution expressing the sense of the House of Representatives that the President of Mexico has been improperly impugned by an anonymous source in a U.S. newspaper column, and that the Government of the United States should apologize to the Government of Mexico for this attack; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

397. By the SPEAKER: Memorial of the general assembly of the State of Colorado, relative to the implementation by the Environmental Protection Agency of diesel emissions standards for both light and heavy-duty diesel-powered vehicles; to the Committee on Energy and Commerce.

398. Also, memorial of the House of Representatives of the State of Hawaii, relative to the appointment of at least one Hawaii resident as representative or alternate representative on the South Pacific Commission; to the Committee on Foreign Affairs.

399. Also, memorial of the legislature of the State of Minnesota, relative to establishing a National Academy of Peace and Conflict Resolution; to the Committee on Foreign Affairs.

400. Also, memorial of the legislature of the State of Minnesota, relative to the joint management by Minnesota and Ontario of their border waters; to the Committee on Foreign Affairs.

401. Also, memorial of the legislature of the State of Minnesota, relative to the persecution of the Baha'is in Iran; to the Committee on Foreign Affairs.

402. Also, memorial of the legislature of the State of California, relative to the 1984 Summer Olympic Games; to the Committee on Foreign Affairs.

403. Also, memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to deeding certain acres of land to the town of Nantucket; to the Committee on Interior and Insular Affairs.

404. Also, memorial of the legislature of the State of Minnesota, relative to the Commission on Wartime Relocation and Internment of Civilians; to the Committee on the Judiciary.

405. Also, memorial of the House of Representatives of the State of Hawaii, relative to reparations for Americans and resident aliens of Japanese ancestry and Alaskan Aleuts who were subjected to forced evacuation and incarceration in detention camps during World War II; to the Committee on the Judiciary.

406. Also, memorial of the legislature of the State of Oklahoma, relative to providing for judicial review of disability claims against the Veterans' Administration; to the Committee on Veterans' Affairs.

407. Also, memorial of the Legislature of the State of Minnesota, relative to providing medical care for former members of the military forces who were exposed to atomic radiation in the course of their duties; to the Committee on Veterans' Affairs.

408. Memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to the disparity and inequity of social security payments created by the notch year formula; to the Committee on Ways and Means.

409. Also, memorial of the legislature of the State of Minnesota, relative to H.R. 5081, the Fair Trade in Steel Act of 1984; to the Committee on Ways and Means.

410. Also, memorial of the legislature of the State of Arizona, relative to using copper canisters for the disposal of nuclear wastes; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. RODINO introduced a bill (H.R. 5691) for the relief of Sutu Bungani William Beck; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2486: Mr. AKAKA.
H.R. 2578: Mr. MCCANDLESS.
H.R. 2700: Mr. MINETA.
H.R. 2766: Mr. MACKAY.
H.R. 3024: Mr. PAUL.
H.R. 3027: Mr. MINETA.
H.R. 3302: Mr. MCCANDLESS.
H.R. 3616: Mr. BARNARD, Mr. LOWRY of Washington, Mr. MAVROULES, Mr. STUDDS, Mr. BOSCO, Mrs. KENNELLY, Mr. WEISS, Mr. LUJAN, Mr. ROYBAL, Mr. WHITEHURST, Mr. SEIBERLING, Mr. HUGHES, Mr. AKAKA, Mr. HAMMERSCHMIDT, and Mr. FORD of Tennessee.
H.R. 4444: Mr. UDALL, Mr. PACKARD, and Mr. CHAPPIE.
H.R. 4460: Mr. RODINO, Mr. FISH, Mr. HYDE, and Mr. MOORHEAD.
H.R. 4567: Mr. WEAVER, Mr. MARTINEZ, Mr. BROWN of California, Mr. MOODY, and Mr. DELLUMS.
H.R. 4647: Mr. STANGELAND.
H.R. 4675: Mr. WILLIAMS of Montana, Mr. FEIGHAN, Mr. WEISS, Mr. LUNDINE, Mr. STARK, Mr. WHITLEY, and Mr. GOODLING.
H.R. 4760: Mr. ALBOSTA, Mr. OTTINGER, Mr. BEDELL, Mr. AKAKA, and Mr. CARPER.
H.R. 4772: Mr. BOEHLERT and Mr. BIAGGI.
H.R. 4850: Mr. FEIGHAN.
H.R. 5216: Mr. WHITLEY, Mr. DURBIN, Mr. DEWINE, Mr. JONES of Oklahoma, Mr. KASICH, and Mr. JONES of North Carolina.
H.R. 5335: Mr. MARTINEZ.
H.R. 5410: Mr. STARK.
H.R. 5459: Mr. RITTER.
H.R. 5511: Mr. WHEAT, Mr. OWENS, and Mr. STUDDS.
H.R. 5615: Mr. KINDNESS, Mr. WEBER, and Mr. ECKART.
H.R. 5624: Mr. OWENS.
H.J. Res. 71: Mr. THOMAS of California and Mr. CARPER.
H.J. Res. 89: Mr. GONZALEZ.
H.J. Res. 539: Mr. WAXMAN.
H.J. Res. 540: Mr. WAXMAN.
H.J. Res. 543: Mr. YOUNG of Missouri, Mr. HYDE, Mr. MCHUGH, Mr. ORTIZ, Mr. DAUB, Mr. KASICH, Mr. MCKERNAN, Mr. MARTIN of Illinois, Mr. MARTIN of North Carolina, Mr. PETRI, Mr. MONTGOMERY, Mr. PRITCHARD, Mr. LEVIN of Michigan, Mr. HANSON of Utah, Mr. CLAY, Mr. ASPIN, Mr. LENT, Mr. STOKES, Mr. MCCOLLUM, Mr. MARTINEZ, and Mr. CHAPPELL.
H.J. Res. 563: Mr. STENHOLM, Mr. DANNEMEYER, Mr. DARDEN, Mr. DERRICK, and Mr. BARTLETT.
H.J. Res. 572: Mr. MCHUGH, Mr. ALBOSTA, Mr. LEVIN of Michigan, and Mr. FAUNTROY.
H. Con. Res. 226: Mr. AUCOIN and Mr. UDALL.
H. Con. Res. 279: Mr. DAUB.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

367. By the SPEAKER: Petition of the Borough Council, Borough of Peapack and Gladstone, N.J., relative to cable television legislation; referred to the Committee on Energy and Commerce.

368. Also, petition of the Council, Borough of Middlesex, N.J., relative to cable television legislation; referred to the Committee on Energy and Commerce.

369. Also, petition of the Borough of Watchung, N.J., relative to cable legislation; referred to the Committee on Energy and Commerce.

370. Also, petition of the Spiritual Assembly of the Baha'is of Victor Judicial District, Apple Valley, Calif., relative to a resolution adopted by the city of Adelanto, Calif., regarding the Iranian persecution of the Baha'i community in Iran; referred to the Committee on Foreign Affairs.

371. Also, petition of the Board of Supervisors, County of Stafford, Stafford, Va., relative to the protection of local government from antitrust liability; referred to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5167

By Mr. LOWRY of Washington:

—At the end of title I (page 15, after line 5) add the following new section:

POLICY CONCERNING ACQUISITION OF ADDITIONAL PERSHING II MISSILES

SEC. . (a) Subject to subsection (c), funds appropriated pursuant to the authorization of appropriations in section 101(a) for procurement of missiles for the Army may be used to acquire not more than 70 additional Pershing II missiles, but no funds may be obligated for the acquisition of such missiles until April 1, 1985.

(b) Immediately after April 1, 1985, the President shall determine whether the Soviet Union is acting, as of April 1, 1985, in a manner indicating that it is willing to take actions to further the control and limitation of types of intermediate-range nuclear missile weapons systems similar to the Pershing II intermediate-range missile weapons system authorized for the Army by this title and shall immediately transmit written notification of that determination to Congress.

(c)(1) If the President's determination under subsection (b) is that the Soviet Union is not acting in such a manner, the amount appropriated pursuant to the authorization of appropriations in section 101(a) for the acquisition of additional Pershing II missiles may be obligated, but only if the President also determines, and includes in the written notification to Congress under subsection (b), that—

(A) the obligation of such funds is in the national interest; and

(B) as of April 1, 1985, the United States is willing to act to further the control and limitation on the Pershing II intermediate-range nuclear missile weapon system authorized for the Army by this title.

(2) If the President's determination under subsection (b) is that the Soviet Union is acting in such a manner, none of the amount appropriated pursuant to the authorization of appropriations in section 101(a) for the acquisition of additional Pershing II missiles may be obligated. However, if after the determination under subsection (b) the President makes a further determination that the Soviet Union is not acting in good faith with respect to its willingness to take actions described in subsection (b) and transmits written notification of that determination to Congress, such funds may be obligated after the date of the receipt of that notification by Congress if, after that date, a joint resolution is enacted approving the obligation of such funds.

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By Mr. ENGLISH:

—Page 11, line 15, strike out "$35,566,000," and insert in lieu thereof "$35,651,000,"; and on line 17, immediately before the colon insert ", of which $85,000 shall be available for the Northwest Oklahoma Water Study Project".

—Page 11, line 17, immediately before the colon insert ", of which $265,000 shall be available for the Kiamichi Hydropower Study, and $85,000 shall be available for the Northwest Oklahoma Water Study Project".

By Mr. OTTINGER:

—Page 21, line 5 (Energy Supply, Research and Development Activities):

Strike out "$1,986,149,000, to remain available until expended;" and insert in lieu thereof the following: "1,976,149,000 to remain available until expended; of which $577,853,000 shall be available for nuclear fission activities, of which $198,385,000 shall be available for solar energy activities, of which $202,100,000 shall be available for supporting research and technical analysis activities,".